

A GUIDE TO THE
INDIAN FACTORIES ACT

BEING
ACT XII OF 1911

WITH THE RULES MADE THEREUNDER
AND AN INTRODUCTION AND NOTES

BY

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INTRODUCTION.

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Although the first cotton mill appears to have been erected in Calcutta in 1817, James London's Broach mill, which was built in 1853, is usually looked upon as the pioneer cotton factory in India. It was not, however, until 1881 that the first Indian Factory Act was passed and a brief consideration of its provisions may be of interest. It applied to manufacturing premises in which (a) power driven machinery was used, and (b) not less than one hundred persons were employed. Indigo, tea and coffee plantations were exempted from the provisions of the Act, as were also all mills which worked for less than four months in the year. Under this Act the Local Governments had power to appoint Special Inspectors, failing which the District Magistrates were to act as Inspectors in their districts. No child under seven years of age might be employed, and no child under twelve might be employed for more than nine hours a day and he was to have an interval of an hour for meals at a time to be fixed by the Local Government. A child was also to have four holidays a month. Engine-flywheels and hoists had to be fenced and other dangerous machinery as well if so required by the Inspector; children were not allowed to clean machinery in motion nor to work between the fixed and traversing parts of a self-acting machine. Notice of occupation of a factory and notice of accidents occurring in a factory had to be sent to the Inspector.

The Local Governments had power to make rules for carrying out the provisions of the Act.

It will be noticed that there were no sanitary provisions in this Act and that adult labour, both male and female, was left entirely unregulated. Although children might obtain certificates of age from Certifying Surgeons, this was not made an essential condition of employment.

Mr. Meade King, a Home Office Inspector of Factories, visited India in 1883 and made certain suggestions for improving the Indian Act, and in 1884 the Government of Bombay appointed a Commission to consider the advisability of extending Mr. Meade King's suggestions to textile and other factories and to consider the whole question in all its bearings. The report of this Commission, after consideration and criticism by the Government of Bombay, was forwarded to the Government of India, and although the Government of India was unable to accept the results of the Commission in their entirety, the result was the passing of the amending Act of 1891. By this Act all factories employing fifty persons instead of one hundred persons were brought under the Act, and Local Governments were given power to reduce this number to twenty. The limits of age at which children might be employed were raised to nine and fourteen respectively, and certification was rendered obligatory. All operatives (except in certain exempted factories) had either to be employed in sets or given an interval about mid-day, and were given a holiday on Sunday or a substituted day. Women, unless employed on an approved system of shifts, and children, could only

be employed between 5 A.M. and 8 P.M. Women could only be employed for eleven hours a day and were to have an interval of an hour and a half; children could only be employed for seven hours a day and if actually employed for six hours or more were to have an interval of at least half an hour.

The Local Governments were given power to make rules relating to the sanitary requirements of factories and to require the provision of drinking water.

In December 1906 the Government of India, acting on a suggestion of the Secretary of State for India, appointed a small Committee with Commander Sir H. P. Freer-Smith (formerly Superintending Inspector for Dangerous Trades in England), as President, to enquire into the following points:—

- (i) Whether the working hours of adult males should be limited, and whether the physique of operatives was affected by long hours;
- (ii) Whether before children are allowed to work in factories certificates of age and fitness should be required;
- (iii) Whether the minimum age of children should be raised beyond nine;
- (iv) Whether as the result of employment as adults of persons between the ages of twelve and fourteen, there has been physical deterioration requiring formation by the law of a special class of workers known as “young persons;”

- (v) Whether a special staff of Medical Factory Inspectors should be entertained. •

They were also asked to put forward recommendations for the amendment of the existing law or practice if they found alteration desirable; the enquiry was to be preliminary only, and if the existence of abuses were established a representative Commission would be appointed to consider the whole subject comprehensively. Later on the scope of the enquiry was extended to the question of fencing dangerous machinery, but on the other hand was confined to textile factories. •

The Committee reported* early in 1907 and began by criticising severely the method of administering the existing Act. It recommended the appointment of an official in the Department of Commerce and Industry to control the Inspectorate in all the Provinces; it also advised that the Deputy Commissioners and other Civil Officers should be relieved of all inspection work and that competent Inspectors—preferably with English training—should be placed in charge of suitably selected Districts. It also recommended the entertainment of Special Medical Inspectors to take charge to a great extent of all sanitary matters; it disapproved of Civil Surgeons being Joint Medical Inspectors.

It considered it unwise to raise the minimum age for children above nine, but attached great importance to better systems being introduced for the certification of children and for the prevention of their being worked beyond the legal period of employment.

* See the Report of the Textile Factories' Labour Committee.

•Women, it thought, should not, even in ginning factories* be allowed to work at night, and it objected to babies being brought into the mills.

After very full consideration it recommended the restriction of male adult labour to twelve hours a day, but as regards physical deterioration it was unable to come to any decided opinion. It thought that if adult labour were regulated it would be undesirable to form a class of "young persons."

As regards Sanitation it considered, as mentioned above, that it should be controlled chiefly by the Medical Inspectors, and it attached importance to more frequent limewashing and to greater uniformity among the rules of the different Provinces. Some of the other abuses to which it called attention were the excessive humidity, sometimes produced by the aid of impure water, in certain mills, the excess of dust—especially in woollen mills where there is danger from anthrax,—and the lack of sufficient means of escape in case of fire. It also thought that the fencing in some mills, particularly ginning mills, left much to be desired.

After considering the report of Sir Hamilton Freer-Smith's Committee, the Government of India decided to appoint a representative Commission under Mr. Morison as President, and this Commission reported in 1908. As the present Act is to a large extent based on its recommendations these deserve to be considered at some length. They found the worst abuses were in connection with the employment of children, several under nine years of age were found

* Ginning factories, it may be noted, are not textile factories.

to make order as to dangerous machine ; (7) Power of a Magistrate to make order as to unhealthy or dangerous factory ; (8) Investigation of accidents by the Certifying Surgeon ; (9) Special provisions as to inquests in the case of a death by accident in a factory ; (10) Power to direct formal investigation of accidents ; (11) Certain special provisions as to the employment of protected persons in special trades ; (12) All provisions relating to young persons ; (13) The education of children ; (14) Certain provisions relating to special premises such as tenement factories, humid factories, bakehouses, laundries (now under a special Act at home), docks, buildings and railways ; (15) All provisions relating to Home-work and " outworkers ", and, (16) All provisions relating to particulars, *i.e.*, written information as to piece-work payments. On the other hand in the Indian Act are found two entirely new provisions ; (1) That relating to lighting in Section 11 and (2) That relating to the supply of drinking water in section 14.

In the English Act the Secretary of State has a certain limited power to make Special Orders relating to sanitary matters and special exceptions and has also more extensive powers to deal with Dangerous Trades. In India the Local Governments have no power to deal with Dangerous Trades, but on all other points their powers to make rules are very wide. When the Act was under consideration it was thought desirable, in order to make allowances for the differences which were said to exist between the different Provinces, to permit each Local Government to make such rules as would suit the local conditions.

The Indian Government also has power to make rules but has not exercised it except under section 38.

We now come to a consideration as to the chief differences between the Indian Act and that part of the English Act on which it is founded. The most important innovation is the limitation of the hours of work of adult males. Except in certain specified trades all persons have to have an interval for meals of at least half an hour every six hours, and a holiday on Sunday or some substituted day. The next most important difference is the absence of the class of young persons, which I have referred to above. The administration of the Act at home and in India is very similar although the District Magistrate is of course peculiar to the latter country. In other respects the close connection between the two is very evident, some of the sections being almost word for word the same ; the resemblances and, in some cases, the differences will be found more fully pointed out in the notes which follow the sections of the Act in the third part of the book.

A NOTE
ON
THE DUTIES OF A FACTORY MANAGER.

Before explaining as shortly as possible the duties and obligations which have been placed on Factory Occupiers and Managers by the Indian Factory Act, it may be as well to point out that certain trades are prohibited under other Acts except under conditions or absolutely. Timber mills may be worked in most places only under a license from the Forest Department; petroleum refineries and explosive works require special permission, and in many Municipalities "Offensive Trades," that is to say trades which owing to smell, noise or dirt are objectionable in inhabited areas, are prohibited. The manufacture of matches by the use of white phosphorus is absolutely forbidden in India as in other civilized countries.

FACTORY BUILDINGS.

Although in Municipal areas the plans of a new factory have usually to be approved by the Municipal Committee, this is no guarantee that the requirements of the Factory Act have been complied with. If both men and women are to be employed in the factory separate sanitary accommodation must be provided for each sex according to the scale which will be found given in the notes to section 13, page 36. If there is difficulty in providing detached latrines, the Inspector should be consulted as to whether a ventilated air space would be accepted as a sufficient compliance with the requirements of the rules.

The requirements as to floor space and cubic space per head will be found in the notes to section 9, and in considering

the number and the size of the windows attention should be paid to the requirements of section 11 as well. In designing the stairways and exits sections 15 and 16 should be considered, and if the factory is not entirely on the ground floor two exits at least should be provided from the first and higher stories. If only a few men are employed upstairs one exit may be an external iron ladder type stairway, but this is not suitable for dealing with more than ten or fifteen men or for women however few. It should be remembered that in case of fire, people are more often crushed to death owing to panic than burnt to death.

WATER-SUPPLY.

A good supply of potable water is required for drinking purposes (section 14), and if artificial humidification of the atmosphere of the mill is employed, the water used for this purpose must also be good (section 12).

MOTIVE POWER.

If the mill is to be driven by steam engines, it will be necessary in most places to obtain engine and boiler licenses and to place the boilers, etc., under the charge of a duly authorised person; the rules in the different Provinces differ, but full information can always be obtained from the Inspectors appointed under the Boiler and Prime Mover Acts. If electrical power is to be employed to drive the mill and is not supplied by a Licensed Authority, notice must be sent to the District Magistrate or in a Presidency Town to the Commissioner of Police.

NOTICES, ETC.

Within one month of beginning to occupy a factory notice containing the particulars called for by section 33, must be sent to the Inspector. The notice need not be on any prescribed form although, for convenience printed

forms may be obtained from the Inspectors in some of the Provinces.

In addition to the above a report or notice must be sent on the following occasions. The officers to whom they must be sent will be found under the sections quoted.

(i) A notice towards the end of each month showing on what dates the factory will be closed in the following month (See section 38).

(ii) Before the 15th of January in each year an annual report showing the particulars prescribed by the Government of India (See section 38).

(iii) If the factory is to be opened on Sunday a notice stating what day is to be substituted as a holiday [See section 22 (1) (b)].

(iv) If an accident occurs, notice must be sent as required by section 34.

(v) When the factory is opened a notice must be sent to show the hours of work and the intervals for meals [See section 36 (2)].

(vi) If the manager is changed, notice of the change (See section 33).

ABSTRACTS AND REGISTERS.

In every factory there must be kept affixed "abstracts" of the Act in English and in the language spoken by the majority of the operatives. These can be obtained from the various Inspectors or Government Presses (See note to section 36) and also a notice showing the hours of work of the mill; a copy of this latter notice must also be sent to the Inspector. If children are employed a register of children in the prescribed form must be maintained (See note to section 35), and also a register or registers showing the dates on which the factory was painted or limewashed (See notes to section 9 (a)), and the areas and sizes of all the rooms in

the factory [See notes to section 9 (b)]. In Burma there is a prescribed register for these entries, but elsewhere any book can be used. In the Central Provinces and Berar a bound book must be maintained for the Inspector to enter in the results of his visit. Except in Burma factories which do not invariably close on Sunday are required to keep a register showing the days on which the factory is closed.

In all the Provinces a muster-roll of women and children, and in Bombay, Delhi and the Punjab a muster-roll of men also must be maintained, showing their period of employment. All these registers must be so kept that the Inspector may see them whenever he visits the mill.

FENCING.

It is difficult within the short limits of this note to say much that can be of use with regard to fencing the machinery in the factory. Every part of the engine has to be securely fenced; that is to say, the flywheel and crank if exposed must be so protected that no one is likely to come in contact with them and in some types of engines the governor balls and gear-wheels will require guarding. Rules made under section 18 also require parts of certain other machines to be fenced, and these rules should be referred to. Machines not mentioned in the rules may require fencing but in general with regard to these the Inspector's instructions should be awaited; in purchasing new machinery, preference should obviously be given to types in which no gear-wheels or other dangerous parts are exposed.

EMPLOYMENT.

Adult males, except in certain specified trades, must have an interval for rest every six hours, and a holiday on Sunday or some substituted day. In textile factories they may not

be employed for more than twelve hours a day nor before 5-30 A.M. nor after 7 P.M. (But see section 51). In all factories women may only be employed between the same limits of hours (but see section 27 for special provisions relating to ginning factories), and for eleven hours a day. Children may only be employed if they have obtained a certificate of fitness and for seven, or in textile factories six hours a day and between the same limits of hours as women.

THE
INDIAN FACTORIES ACT

BEING

ACT XII OF 1911.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN
COUNCIL.

*(Received the assent of the Governor-General on the
24th March 1911.)*

An Act to consolidate and amend the law
regulating labour in factories.

WHEREAS it is expedient to consolidate and amend
the law regulating labour in factories; It is
hereby enacted as follows :—

CHAPTER 1.

PRELIMINARY.

Short title, com-
mencement and ex-
tent.

1. (1) This Act may be called
the Indian Factories Act, 1911.

(2) It shall come into force on the first day of
July 1912; and

(3) It extends to the whole of British India,
including British Baluchistan and the Sonthal
Parganas.

“**British India**” is defined in the General Clauses Act as follows :—“**British India**” shall mean all territories and places within His Majesty’s dominions which are for the time being governed by His Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India.

It must be remembered that in spite of the wording of clause (3) the Act does not actually come into force in what are known as De-regulated Territories or Scheduled Districts until specially applied. These districts are usually wild or remote and sparsely inhabited, and in general few mills would be found in them.

The Indian Factories Act was applied to Berar under Government of India, Foreign Department. Notification No. 3510-I-B., dated the 3rd November 1913, subject to the following provisions :—(a) That all references to the “**Local Government**” shall be read as referring to the “**Chief Commissioner of the Central Provinces**”; references to the Official Gazette as referring to the *Central Provinces Gazette* and, except where the context otherwise requires, references to **British India** as referring to Berar; (b) That for the purpose of facilitating the application of the Act any Court in Berar may construe the provisions thereof with such alterations not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

It may also be noted that the Rules made under the Act for Berar are identical with those for the Central Provinces.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) “**Child**” means a person who is under the “**Child.**” age of fourteen years :

(2) a person who works in a factory, whether
 “Employed.” for wages or not,—

(a) in a manufacturing process or handicraft, or

(b) in cleaning any part of the factory used for
 any manufacturing process or handicraft, or

(c) in cleaning or oiling any part of the machinery, or,

(d) in any other kind of work whatsoever,
 incidental to, or connected with, the manufacturing
 process or handicraft, or connected with the article
 made or otherwise the subject of the manufacturing
 process or handicraft therein,

shall be deemed to be employed therein :

Explanation.—The term “manufacturing
 process” shall be deemed to include the baling of
 any material for transport :

(3) “Factory” means any premises wherein,

“Factory.” or within the precincts of which,

steam, water or other mechanical
 power or electrical power is used in aid of any process
 for, or incidental to, making, altering, repairing,
 ornamenting, finishing or otherwise adapting for
 use, for transport or for sale any article or part of
 an article :

“Inspector.” • (4) “Inspector” includes an addi-
 tional Inspector :

(5) “Mill-gearing” includes every shaft, whether

“Mill-gearing.” upright, oblique or horizontal, and
 every wheel, drum, pulley, rope,
 chain, wire, driving strap or band by which the
 motion of the first moving power is communicated

to any machine appertaining to any manufacturing process :

(6) " Occupier " includes a managing agent or
" Occupier." other person authorised to represent
the occupier :

(7) " Prescribed " means prescribed by this
" Prescribed." Act or by rules made thereunder :

(8) " System of shifts " means a system of
" System of shifts." relays in which the time of the
beginning and ending of the period
or periods of the employment of each person is fixed
for each relay :

(9) " Textile factory " means a factory wherein
" Textile factory." is carried on any process for, or
incidental to, making, altering, re-
pairing, ornamenting, finishing or otherwise adapting
for use, for transport or for sale cotton, wool, hair,
silk, flax, hemp, jute, tow, china-grass, cocoanut
fibre or other like material, either separately or
mixed together or mixed with any other material,
or any fabric made thereof :

Provided that the term " textile factory " shall
not be deemed to include the following factories,
namely :—cloth-printing works, bleaching and
dyeing works, lace warehouses, paper mills, flax
scutch mills, silk filatures, factories for ginning
cotton, decorticating fibre, pressing cotton, jute
or other fibre, rope works and hat works.

Child.—In the Act of 1881 the age limit was twelve ; it
was altered to fourteen by the Act of 1891. For evidence
as to age, see section 47 and appendix III.

Employed.—This is the same definition as in the English Act, but a reference to Schedule I, Part A (a) would imply that clerks and watchmen are included. In England it is not the practice to consider clerks as being employed under the Act. Notes to Chap. IV and section 41 may also be consulted.

Factory.—Although this definition is very different to English one, some light is thrown on its meaning by the English and Scotch decisions. As regards mechanical “power”; this must be *ejusdem generis* with those mentioned. Manual or animal labour used to drive a machine would not make the place in which it was employed a factory (*Wilmott v. Paton*, 1902, 1 K. B., 237; 66 J. P., 197; 71, L. J. K. B., 1; 85 L. T., 569). “In aid of any process”—these words have been the cause of a lot of litigation and the decisions are so conflicting that their meaning is by no means clear. The addition in the Indian Act of the words “or incidental to” would probably affect the English cases, of which the following are important and may be referred to:—*Law v. Graham* (1901), 2 K. B., 327; 70 L. J. K. B., 608; 84 L. T., 599; 49 W. R., 622; 65 J. P., 501; *Doswell v. Cowell* (1906), 95 L. T., 38; *Hoare v. Trueman*, 71 L. J. K. B., 380; 86 L. T., 417; 66 J. P., 342; and *Petrie v. Wier* (1900), 2 Fraser, 1041. “Repairing”.—In *Mooney v. Edinburgh and District Tramways Co., Ltd.* (1901), 4 Fraser, 390; 1903, W. N., 161; it was held that a car repairing shed of a Tramway Company in which there was no Power, but adjoining a repairing shop in which parts of cars were repaired, was a factory. “Adapting for sale”—several cases have been before the English Courts in which the meaning of these words has been questioned, but owing to the fuller definition in this Act no difficulty is likely to occur.

Inspector.—An additional Inspector is one appointed under section 4 (4). The manner in which Inspectors are appointed and their powers are dealt with in sections 4 and

5, and a list of these officers will be found in Appendix J, page 102. Under the general powers given in section 37(1) the various Local Governments have made the following Rules:—

Bombay, Central Provinces and Berar, United Provinces, Assam, Bihar and Orissa*, Bengal*, Madras.

(A) "Inspector" means an Inspector appointed under section 4, *sub-section (1)* of the Act.

Proviso (1).—When in any area the Local Government has by notification in the local official Gazette, under sub-section (5) of section 4, declared that the District Magistrate, or an Additional Inspector shall exercise all the powers of an Inspector under the Act, the word "Inspector" shall be held to include such District Magistrate or Additional Inspector.

Proviso (2).—When in any area the Local Government has declared as aforesaid, that a District Magistrate or Additional Inspector shall exercise certain powers of an Inspector, the word "Inspector" shall be held to include such District Magistrate or Additional Inspector, only in so far as any one or more of these rules are specified in the notification.

Burma---

(B) "Inspector" means an Inspector appointed under section 4, sub-section (1), or an Additional Inspector appointed under section 4, sub-section (4), and includes the District Magistrate.

Proviso.—When in any area the Local Government has, by notification under section 4, sub-section (4) or (5), declared that an Additional Inspector or District Magistrate shall exercise certain only of the powers of an Inspector within certain assigned local limits, the word "Inspector" shall be held to include such Additional Inspector or District Magistrate, when acting within such limits, only in so far as

* NOTE.—For the Provinces indicated by stars omit the portion of the Rule between stars.

any one or more of these rules as specified in the notification shall apply.

North-West Frontier Province—

(C) “Inspector” means the Inspector appointed under section 4 (1) for the Punjab.

Delhi and Punjab—

(D) “Inspector” means an Inspector appointed under section 4, sub-section (1), of the Act. It also includes the District Magistrate and the Additional Inspector.

Ajmer-Merwara—

(E) (1) The District Magistrate, Ajmer-Merwara, shall exercise all the powers of an Inspector under the Act and shall be subordinate to the Chief Commissioner.

(2) The Extra Assistant Commissioner, Ajmer, the Extra Assistant Commissioner, Merwara, and the Extra Assistant Commissioner, Kekri, are hereby appointed to be Additional Inspectors under the Act within their respective jurisdictions and in general subordination to the District Magistrate, of Ajmer-Merwara. They shall have powers under section 5 [omitting the words “and machinery” in section 5(b)] and in general to carry out the following provisions of the Act :—

Sections 9 (a) and (b), 13, 14, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 32. •

(3) The Chief Commissioner shall, from time to time, under section 4 (1) of the Act, appoint such person, as he may think fit, to exercise all the powers of an Inspector under the Act. Such person shall be subordinate to the Chief Commissioner.

The following words which occur in this Act have been defined in the General Clauses Act and have the special meanings shown below :—

“Person” includes any company or association or body of individuals, whether incorporated or not :

“Year” a year is reckoned according to the British calendar.

Note also that expressions used in the rules have the same meanings as in the Act. (G. C. A. Sec. 20); but under the powers contained in Section 37, the Local Governments have made rules defining certain expressions as follows:—

Bombay, Assam, Madras, Punjab, Delhi, Central Provinces and Berar and United Provinces. (F).—In these rules and orders (a) words and expressions which are defined in the Indian Factories Act, 1911, have the same meaning as in the said Act; (b) “the Act” means the said Act; (c) “Inspector” see *ante*.

N.-W. F. P. (G).—In these rules and orders—(a) as Bombay; (b) as Bombay; (c) “Inspector” means the District Magistrate; (d) “Certifying Surgeon” means the Civil Surgeon of a district.

Bengal, Bihar and Orissa (H).—(a) and (b) as Bombay; (c) “Inspector” see *ante*; (d) “section” means a section of the Act.

Burma (I).—In these rules—(a) “the Act” means the the said Act; (b) “Inspector” see *ante*.

Ajmer-Merwara (J).—The terms “Child,” “Employed,” “Factory,” “Mill-gearing,” “Occupier,” “Prescribed,” “System of Shifts,” and “Textile Factory” when used in these rules shall have the same meaning as given to them in the Indian Factories Act (XII of 1911).

3. (I) Nothing in the following chapters shall Application of Act. apply to—

(a) any mine subject to the operation of the Indian Mines Act, 1901, or

(b) any electrical generating or transforming station, or

- (c) any indigo factory, or
- (d) any factory situated on and used solely for the purpose of a tea or coffee plantation, or
- (e) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed :

Provided that the Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Act which would, save for clause (e) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and sections 35 and 36 shall not, unless the Local Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

In Section 5 (d) of the Indian Mines Act, 1901, there is the following definition :—"Mines" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the

shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to the mine; but it does not include any pit, quarry or other excavation the depth of no part of which measured from the level of the adjacent ground exceeds twenty feet and no part of which extends below the superjacent ground.

Electrical Stations are subject to the provisions of the Indian Electricity Act, 1903.

Notifications extending the provisions of the Act to factories employing not less than 20 persons have been issued as follows :—

Burma.—Sections 5, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 33, 34, 36 (so far as it relates to the affixing of the prescribed abstract), 37 [excluding clauses (c), (d) and (1) of sub-section (2)], 38, 39, 40, 41, clauses (a) to (g), clause (i) in so far as it relates to the affixing of the prescribed abstract and clause (j), 42, 43, 45, 48, 49, 50, 56, and 58. (J. D. N. No. 107, dated 22nd June 1912 as amended by No. 112 dated 10th July 1913.)

Madras.—No general order is in force, but certain premises mentioned by name are declared to be factories, and to be subject to all the provisions of the Act. (Various Judicial G. O.s.)

Bombay.—The Act has been extended to all ginning and pressing factories in which not less than 20 persons are employed.

None of the other provinces appear to have extended the Act to small factories.

Under sub-section (2) the following notification has been issued by **Burma** :—“ From the 1st January 1915, the provisions of Chapter IV and of sections 35 and 36 of the said Act shall apply to all children employed within the precincts of rice mills in carrying paddy or rice.” (J. D. N. No. 94, dated 15th June 1914.)

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

~~4~~(1) The Local Government may, by notification in the local official Gazette, ^{inspectors.} appoint such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an Inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of Inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an Inspector under this Act.

(4) The Local Government may also, by notification as aforesaid, and subject to the control of the Governor-General in Council appoint such public officers as it thinks fit to be Additional Inspectors for all or any of the purposes of this Act within such local limits as it may assign to them respectively.

(5) In any area where there are more Inspectors than one, the Local Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(6) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Local Government may indicate in this behalf.

A list of the Inspectors of Factories together with their addresses, powers and local limits will be found in Appendix I, page 102.

See also section 2 (4) for definition of the term.

Bombay.—(A). “District Magistrate” includes the Collector of Bombay, who shall be considered, for the purpose of these rules and orders, to be the District Magistrate for the Island of Bombay.

“**Public servant.**”—Under section 161 *et seq.* of the I. P. C., a public servant who accepts, or attempts to obtain, either directly or indirectly, a bribe of any description is liable to imprisonment for three years and fine and under section 166, a public servant who disobeys any direction of the law as to the way in which he is to conduct himself so as to injure any person, is liable to fine and imprisonment. As regards sub-section (2) see section 168, whereby any person, who being legally bound not to engage in trade, does so engage, is liable to a year’s imprisonment and fine. By section 170 the penalty for impersonating a public servant is 3 months’ imprisonment and fine, or if the impersonator attempts to act in the office, 2 years’ imprisonment and fine.

5. Subject to any rules in this behalf, an Inspector may, within the local limits
Powers of Inspector. for which he is appointed,—

(a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory ;

(b) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

For the local limits of the Inspectors, see Appendix I, page 102. See also notes to section 2(4).

Rules have been made in the various Provinces in this connection and under section 37(1) and 37(2) (a) & (b) as follows :--

Bengal, Bihar & Orissa.—

A. The Inspector shall keep a Register of Factories in Form A attached to these rules and shall furnish a copy thereof to the District Magistrate on the 15th February of each year. He shall also intimate to the District Magistrate at the time they are made all changes in the register which are made in accordance with the two next following rules.

**Register of Fac-
tories.** B. (1) When the Inspector receives notice under section 33 of a factory being occupied, he shall, if he has not already done so, include such factory in his register.

(2) When the Inspector has reason to believe that any premises, situated within the local limits for which he is appointed and not already registered as a factory, ought to be included in his register, he shall send to the occupier of the premises a notice intimating his intention of placing such Premises on his register of factories.

(3) Any person served with a notice under clause (2) above may, within 30 days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections, after making such enquiry as he may deem necessary, and shall make up his register of factories accordingly.

C. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector, who shall, if satisfied that the Act is no longer applicable to such premises, remove them from his register of factories. The Inspector may without such notice of his own motion at any time remove any factory from his register if satisfied that it is no longer used as such :

Provided that seasonal factories shall not be removed from the register if there is a probability of their again starting work within a reasonable time.

D. The Inspector shall be primarily responsible for the administration of the Act within the area for which he is appointed. (An Inspector shall, within such area, inspect every textile factory at least four times a year and every other factory at least once a year.) He shall also make such further inspections as may appear to be necessary to him, or to the authority to whom he is subordinate in order that he may satisfy himself that the provisions of the Act and of these rules are duly observed.

E. The Inspector shall at each inspection of a factory satisfy himself that the provisions made in the Act and rules to secure the health and safety of the operatives are observed : that the children employed in the factory have been duly certified and the register of children (Form F) properly maintained : that the hours of employment of women and children

and of persons working in shifts are properly recorded : that the periodical stoppages of work and the holidays provided by the Act are granted, and that the limits of hours of work laid down therein are not exceeded ; and that the abstract and notice prescribed by section 36 are duly maintained and affixed. He shall further enquire into the cause of all accidents which have taken place since the last inspection. Finally, he shall note how far defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with. Any defects which have come to light at the present inspection as well as any orders passed by him under the Act shall then be recorded.* An extract from such record containing the orders of the Inspector and such remarks on defects found to exist as the Inspector may wish to bring to the Manager's notice shall be sent to the Manager, and a copy of the said extract shall be sent to the District Magistrate.

Proviso.—When in any area the inspection has been carried out by a District Magistrate or an Additional Inspector, duly authorized in this behalf, such officer shall send a copy of the orders and remarks referred to above to the Inspector appointed under section 4, sub-section (1).

F. The Inspector shall keep a file of the records of his inspections arranged in monthly bundles and shall submit to the authority to whom he is subordinate on the tenth day of each month, a diary in Form B attached to these rules, showing the work done in the preceding month. A copy of the said diary shall be retained by the Inspector.

Bombay.—G. As Bengal with the following alterations :—
Rule D part within brackets runs as follows :—“ He shall inspect every factory, other than a seasonal factory, within that area at least four times yearly and every seasonal factory within that area at least once during each season of work.”
In rule E after the words “ last inspection ” in line 13—*add* :—

“In the case of fatal accidents he shall visit the factory concerned as soon as possible after the receipt of the report of the accident for the purpose of holding a special inquiry.”
In rule A *substitute* 1st for 15th February and in Rule B (3) 15 for 30 days.

Burma.—H. For Rule A *substitute* the following :—
The Inspector shall keep a register of Factories and shall furnish an extract thereof in Form A attached to these Rules to the District Magistrate as early as possible in each year. He shall also intimate to the District at the time they are made all changes in the register which are made in accordance with the next two following Rules.

Rules B (2) and (3) have been *deleted*.

Rule D. The part within brackets runs as follows :—
He shall inspect every factory, other than a seasonal factory within that area at least once yearly and every seasonal factory within that area at least once during each season of work.

Substitute “Secretary to Government” for “authority to whom he is subordinate.”

A second Proviso has been added to Rule E as follows :—
Where in the opinion of the Inspector the coolie lines of any factory situated within a Municipality are insanitary, or when it appears that there is any sanitary defect in the latrines or compound of a factory which may be more conveniently dealt with under the law relating to Municipalities than under the Indian Factories Act, 1911, he shall draw the attention of the Municipal Committee concerned to the irregularity.

Central Provinces and Berar.—J. Portion of Rule D within brackets as Bombay. *Cancel* the portion after the asterisk in Rule E and *insert* the following “in a bound inspection-book to be maintained by the Manager in the Factory. An extract from such record containing the orders of the Inspector and such remarks on defects found to exist

as the Inspector has brought specially to the Manager's notice shall be sent to the District Magistrate, and to the authority to whom the Inspector is subordinate." Proviso as in Bengal.

Add also Rule K. The Local Government prescribes under Section 4(6) of the Act that the authority to which every Inspector shall be officially subordinate shall be the Director of Agriculture and Industries. It is also ordered that all applications to the Local Government in connection with the working of the Act and of these Rules, including applications for special exemptions under sections 21 (3), 22 (4), 30 (2) and 56 of the Act shall be submitted through the Director of Agriculture and Industries.

Madras. (L).—For the portion within brackets in Rule D *read* as follows " He shall inspect every factory, other than a seasonal factory, within that area at least once in every half year and every seasonal factory within that area at least once during each season of work." After " Magistrate " in the last line of Rule E *add* " and the Commissioner of Police, Madras. for the City of Madras."

Punjab, Delhi and United Provinces—M. Portion of Rule D within brackets as Madras *cancel* Rule F and *substitute* Rule N as follows :—The Inspector shall keep a Register of his inspections of each Factory in form B appended*, in which he shall record all orders and remarks made by him on each occasion of his inspection.

N.-W. F. P. (P).—Rule A *omit* all after the asterisk. Rule C as the Punjab, otherwise as Bengal.

Ajmer-Merwara. (R).—The wording of these Rules is slightly different to those of the Punjab but their effect is much the same.

* The form is not reproduced.

Assam (S).—As Bengal with the following alterations :—
 At the end of B (3) *add* “ An appeal shall lie to the Divisional Commissioner against an order passed by the Inspector under this rule if filed within one month of the date of the order.” Non-seasonal factories are to be inspected twice a year, and *add* the following sub-rule (R) The District Magistrate should, as far as possible inspect once in each year all factories within his jurisdiction. His inspections should be confined to seeing that the orders of the Inspector have been carried out, that the sanitary and water-supply arrangements are satisfactory and that the machinery is properly fenced.

It may be useful to summarise what powers an Inspector may exercise; the powers possessed by the individual Inspectors will be found in Appendix I. page 102.

The full powers include —

- (a) Those quoted above in section 5.
- (b) Power to order ventilation by fan; section 10.
- (c) Power to require better lighting; section 11(2).
- (d) Power to require the use of pure water for humidifying; section 12(2).
- (e) Power to exempt from the necessity of providing latrine accommodation; section 13.
- (f) Power to require means of escape in case of fire; section 16(2).
- (g) Power to order dangerous machine to be fenced; section 18(2).
- (h) Power to approve shifts; sections 21(2) (a) and 29(2).
- (j) Power to institute and sanction prosecutions; section 48(1).
- (k) Power to take samples of material used in the manufacture of matches; section 5 of the White Phosphorus Matches Prohibition Act (Act V of 1913).

Under some of the Provincial Rules the Inspector has power to relax some of the requirements of the rules in special cases; for particulars the rules should be consulted.

6. The Local Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

For list of Certifying Surgeons, see Appendix II, page. 108.

Rules have been made in connection with this and the next two Sections under Section 37(2) (c) & 37(2)(d) as follows. They may conveniently be considered together.

Burma—

A. (1) The duties of a Certifying Surgeon, as such, and of a person authorized under section 8 to exercise his functions, shall comprise the examination of persons desirous of being employed in a factory and the grant to them of certificates of age and of physical fitness. No fee shall be charged for such examination or for the grant of a certificate in pursuance thereof.

(2) The Certifying Surgeon or person authorized as aforesaid shall fix such place and such times as may be proper for the attendance of persons wishing to obtain certificates of age and physical fitness. Notice of the place and the times thus fixed shall be given to the Managers of factories within the local limits for which he is appointed.

B. (1) Every Certifying Surgeon shall keep a bound book containing forms in foil and counterfoil as in Form C attached*

* The form of certificate is not reproduced.

to these rules. The pages¹ shall be numbered consecutively, and shall be printed on cloth-backed paper.

(2) Every certificate granted under section 7 to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil, on which shall also be impressed the left thumb-mark of the person in whose name the certificate is granted.

(3) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil, and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under section 7.

(4) If the Certifying Surgeon refuses to grant to any person a certificate under this rule, no fresh application for a certificate shall be made on behalf of such person until a period of three months has elapsed, unless the Certifying Surgeon otherwise gives permission in writing at the time of refusing to grant the certificate.

C. Every person authorized under section 8 to exercise provisionally the functions of a Certifying Surgeon shall grant certificates in the manner provided for in the last foregoing rule. The word "*Provisional*" shall however be written or stamped in red ink at the top of each foil and counterfoil.

D. (1) When a person to whom a certificate under section 7 has been granted loses such certificate, he may apply to the Certifying Surgeon for a copy of the certificate, and the Certifying Surgeon, after making such enquiry as he deems fit, may grant a duplicate thereof. The word "*Duplicate*" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of forms shall be similarly marked "*Duplicate*" and initialled.

(2) For every copy of a certificate granted under clause (1) of this rule, a fee of one rupee shall be charged, which shall be credited to Government. The Certifying Surgeon shall maintain a register in Form D of all fees paid for the issue of copies of certificates, and shall initial each entry made therein.

(3) No second certificate under section 7 shall be granted to any person otherwise than in accordance with the provisions of this rule.

E. (1) The Certifying Surgeon on receipt of a notice from the Inspector that children are employed in any factory within the local limits for which he is appointed shall visit every such factory at least once every six months while it is in operation, so long as the employment of children continues, giving previous notice of his visits. At each of these visits the Managers shall produce before him at such time as the Certifying Surgeon may fix all children employed in the factory, whether actually at work or not, who are not in possession of certificates granted under section 7 :

Provided that children employed solely in the places mentioned in section 3, sub-section (2), need not be produced.

(2) The Certifying Surgeon shall personally examine every child who is in possession of a "*Provisional*" certificate granted under section 8, and shall if satisfied as to the correctness of the "*Provisional*" certificate countersign the same and return it to its owner.

(3) If on such examination the Certifying Surgeon is of opinion that the person in possession of a "*Provisional*" certificate granted under section 8 is under the age of nine years or is not fit for employment in a factory, he shall retain the certificate, write on it the word "*Cancelled*" and sign the same, and shall return the certificate with such remarks, if any, as he may offer to the person who issued it.

Bengal.—The first two rules are as Burma Rules A & B, then follows:—C* Every person authorised under section 8 to exercise the functions of a Certifying Surgeon shall grant certificates in the manner provided for in the last preceding rule:—

Provided that in the case of such provisional certificate, the left thumb-mark of the person in whose name the certificate is granted shall be taken on the counterfoil only.

F (1) A Certifying Surgeon shall visit every factory within the local limits for which he is appointed as follows:—

Visits
per annum.

(a) A—Factories in which provisional arrangements are made

(i) Mills employing 500 children and under ..	12
(ii) Ditto over 500 children ..	24

B—Factories in which no provisional arrangements are made 24

(b) He shall give previous notice of every visit.

(2) At every visit the manager shall produce before him at such time as the Certifying Surgeon may fix, all children employed in the factory, whether actually at work or not, who are in possession of certificates granted under section 7:

Provided that children employed solely in places mentioned in section 3. sub-section (2), need not be produced before him.

(3) The Certifying Surgeon shall personally examine every child who is in possession of a provisional certificate granted under section 8, and shall, if satisfied as to its correctness, countersign the same and return it to its owner, after taking on the foil the left thumb-impression of the person

in whose name the certificate is granted. Such thumb-impression must correspond with that already taken on the counterfoil at the time of the grant of the provisional certificate.

(4) If on such examination the Certifying Surgeon is of the opinion that the person examined is under the age of nine years or is not fit for employment in a factory, he shall retain the certificate, write on it the word "*Cancelled*" and sign the same, and shall then return the certificate with such remarks, if any, as he may think fit to make, to the person who granted it.

In Bengal there is no provision made for the grant of a duplicate certificate.

Madras.—G. As Burma with the following alterations. Clause (5) is added to rule B as follows :—In order to facilitate the identification of persons applying for duplicate certificates (see rule D), Certifying Surgeons shall maintain an alphabetical register of persons to whom certificates are granted. This register will show the name of the person, the number of the certificate and the number (or other distinguishing mark) of the book containing it. Rule E is slightly altered. The first clause running as follows :—The Certifying Surgeon shall visit every factory within the local limits for which he is appointed at least once a quarter and shall give previous notice of his visits. At each of these visits, etc.

Delhi.—H. As Burma. Rule E as Madras.

N.-W. F. P.—J. As Madras except that the Certifying Surgeon visits only twice a year.

Ajmer-Merwara.—K. The wording of these rules is slightly different but the effect is the same as in Madras; the fee for a duplicate certificate is annas eight and the Certifying Surgeon or authorised surgeon need only visit once a year.

Punjab.—L. As Burma, except that the fee for a duplicate certificate is annas 4. Rule E as Madras and the Certifying Surgeon visits each of his factories at least once a quarter and there is the following provision added to rule E(i). If any child so employed has been unavoidably prevented from being present at the visit of the Certifying Surgeon, he shall not be further employed in the factory until he has obtained the necessary certificate.

Bihar and Orissa.—M. As Bengal, except that the Certifying Surgeon visits factories employing 200 children or under, 4 times a year and factories employing over 200 children, 12 times a year.

United Provinces.—N. As Madras omitting B(5); the Certifying Surgeon visits quarterly and the fee for a duplicate certificate is one rupee.

Assam.—O. As Madras. The Surgeon visits twice a year and the fee for a duplicate certificate is annas eight.

Bombay.—P. Rules A, B, C, and D are as Burma with the following alterations. In rule A, *read* "are confined to" *in place of* "shall comprise," in line 5 in rule C, *read* "printed or stamped" *in place of* "written or stamped." The first paragraph of rule E is also different and runs as follows:—(1) When a certifying surgeon visits a factory within the local limits for which he is appointed, the manager shall produce before him all children employed in the factory, whether actually at work or not, who are in possession of certificates granted under section 7 of the Act.

Central Provinces and Berar.—Q. As Burma except that the first paragraph of rule E (1) runs as follows:—The Certifying Surgeon shall ordinarily visit every factory within the local limits for which he is appointed, in which children are known to be employed, at least once a month (unless this period is extended by the Inspector-General of Civil Hospitals after consultation with the Director of Agriculture and

Industries) and shall give previous notice of his visits. At each of these the Manager—(as Burma). In E (2), if satisfied as to the correctness of the “Provisional Certificate” he shall destroy the same and issue his own certificate in place of it.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

For rules made in connection with this section, see notes to section 6. For remarks on the determination of the age of a child, see appendix III.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by section 7, and may revoke such authority:

Delegation of certifying surgeon's functions.

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

For rules made in connection with this section see notes to section 6.

CHAPTER III.

HEALTH AND SAFETY.

9. The following provisions shall apply to
Sanitary provisions. every factory :—

(a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance ;

(b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;

(c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Rules have been made in connection with **section 9(a)** under section 37 (2) (e) as follows :—

Bengal, Bihar and Orissa.—(A) (i). In every factory the inside surface of all the walls of the rooms in which manufacturing processes are carried on, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all passages and staircases, shall be limewashed at least once during each period of two years the first of such periods commencing from the date of the last limewashing.

(A) (ii). The Local Government may, by special order, exempt any class of factories or parts thereof from the provisions of this rule, when such Government is of the opinion that the said provisions are not necessary under

clause (a) of section 9, or are, by reason of special circumstances inapplicable.

(B) All beams, rafters, doors and other wood work in every factory shall be painted or varnished at least once in six years and shall be kept in a cleanly state.

(C) The manager of every factory not exempted under clause (2) of rule (A) shall keep a register showing the dates on which the different parts of the factory are limewashed, painted or varnished.

(D) (i) No manager of a factory shall cause or allow any rubbish, filth or *débris* to be accumulated or to remain, on any premises over which he has effective control, of such a nature or in such a manner that effluvia therefrom can arise within the factory.

(D) (ii) All latrines and urinals within a factory shall be kept in a sanitary state.

Assam.—(E). As in Bengal except that the Commissioner of the Division is the exempting authority.

United Provinces.—(F). As Bengal with the following alterations :—The limewashing has to be done every fourteen months; painted or varnished parts have to be washed with hot water and soap every fourteen months, and be re-painted or re-varnished every seven years.

Central Provinces and Berar.—(G). As Bengal except that the limewashing is annual and the re-painting or re-varnishing has to be done every ten years. The Inspector may order, subject to an appeal to the Director of Agriculture, that the painting or varnishing be carried out earlier.

N.-W. F. P.—(H). As Bengal with rule (B) omitted; the period for limewashing is one year.

Bombay.—(J). As Bengal, the period for limewashing being fifteen months, and varnishing, seven years. There is also the following provision to (A) (i):—Provided that in the case of a seasonal factory which has the ceiling or roof constructed of corrugated or plain iron sheets the occupier

shall be exempt from the necessity of limewashing such ceiling or roof, but he shall have the interior of such ceiling or roof kept clean and thoroughly swept down at least once in every working season.

The **Madras** rules are slightly different : rules (C) and (D) are as Bengal but the rules corresponding to rules A and B run as follows :—

(K) In every factory all the inside walls of the rooms and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not) and all passages and stair cases shall be limewashed at least once a year, dating from the period when last limewashed. All the beams, rafters, doors and other woodwork shall be either limewashed at least once a year dating from the period when last limewashed or shall be painted or varnished once in four years dating from the period when last painted or varnished and shall be kept in a cleanly state.

(L) The Board of Revenue may, by special order and subject to such conditions as it may think fit to impose, exempt any factory or class of factories or any parts thereof from any of the provisions of the preceding rule on the grounds that the said provisions are not necessary to satisfy the requirements of clause (a) of section 9 of the Act as to cleanliness, or are, by reason of special circumstances, inapplicable.

Under this rule the Board has exempted “walls and pillars of polished chunam which are periodically cleaned with soap and water” from the operation of rule (K). The above rules for Madras were notified in November 1914; previously the rules were very similar but the local Government was the exempting authority, and in July 1913 a notification was published by which (i) walls of rooms in a tannery in which skins are soaked, (ii) Walls formed of corrugated (galvanised) wrought iron or steel plates, were exempted from the necessity of limewashing. As the notification of

1914 repealed the old rules it would appear that these exemptions were automatically repealed at the same time.

Delhi and the Punjab.—(M) Rule (A) is similar to Bengal the period for limewashing being one year; rule (B) is as follows :—

All the beams, rafters, doors and other woodwork in every factory shall be kept in a cleanly state; rule (C) is omitted, rule (D) has two additional clauses as follows :—
(iii) Except in factories provided with septic tank latrines; all latrines shall be provided with receptacles on the dry earth system, and satisfactory arrangements must be made for the regular removal and disposal of excreta. The receptacles must be tarred inside and out at least once a year.
(iv) All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material, and shall be regularly flushed and where possible connected with a recognised drainage line.

Ajmer-Merwara (N) as Bengal; the limewashing period is every fourteen months and the period for painting or varnishing every four years. Rule (D) has two additional sub-clauses; the first as Delhi (iv) and the second as follows :—
(iv) The compound surrounding every factory shall be maintained in a strictly sanitary and cleanly condition.

Burma.—(O) The first rule is as follows :—In every factory all inside walls of masonry shall be painted or limewashed, all iron work painted and all wood or bamboo work painted or earth oiled at least once a year dating from the period when the work was last performed; the second rule is as Bengal (A) (ii) the Inspector being the exempting authority;* rule B is omitted and rule (C) is

* The following parts have been exempted. (1) All parts made of corrugated iron; (2) The tops of rooms in rice-mills; (3) The wood-work in saw-mills. The exemption does not apply to coolie-lines, cook-houses or latrines; The Inspector may require any parts not kept clean to be limewashed etc., within two months.

represented by the rule given in the notes to section 9 (b); the last rule is as Bengal (D).

Notes to section 9 (b)—The following Rules have been made in connection with overcrowding under section 37(2) (f).

N.-W. F. P., Assam, Madras, Delhi, Punjab, and Ajmer-Merwara.—

(A). (1) There shall be provided for each person employed in any room of a factory a floor area of at least 36 superficial feet and a breathing area of at least 500 cubic feet.

(2) The manager of every factory shall maintain a register showing the measurements and cubical contents of each room in the factory, the area of the floor-space in each room occupied by machinery or other fixtures, and the area provided for ventilating openings *as required by the next following rule*, (i.e., rule given in notes to section 9 (c).)

Burma.—Instead of (A) (2) *substitute* the following :—

(B) The manager of every factory shall maintain a register in Form J showing the following particulars :—

- (a) the dates on which the parts of the factory are limewashed, painted or earth-oiled;
- (b) the area, cubic space and ventilation of each room in the factory, together with the maximum number of persons who may be employed in such room;
- (c) any exemption under rule(A)*, or under the proviso to section 13 of the Act;
- (d) the system of shifts, if any, in use and the certificate of approval; and
- (e) such other particulars as may be prescribed.

* i.e. under notes to section 9(c).

When any entry is required by these rules to be made in the register, the entry made by or on behalf of the occupier or manager of the factory shall, as against him, be admissible as *primâ facie* evidence of the facts therein stated and the failure to make any entry so required with respect to the observance of any provision of these rules shall be admissible as *primâ facie* evidence that the provisions have not been observed.

United Provinces.—(C) The last two lines of (A) (2) are slightly different; after “ventilating openings” *delete* and *substitute* as follows “including windows which shall be kept open.”

Central Provinces and Berar.—D. As Assam, but after rule (A) (1) *add*—“Provided that, subject to the control of the Local Government, the Inspector may, for reasons to be recorded in writing, relax the conditions of this rule where in his opinion this may be done with due regard to the health of the persons employed in any room.”

Bengal and Bihar and Orissa.—*For* (A) (1) *substitute* (E). “In every factory there shall be provided for each person employed at one time in any room a breathing space of at least 500 cubic feet in area. For the purpose of this calculation no height above 15 feet from the floor of such room shall be taken into consideration” and *omit* the portion in italics in rule (A) (2).

Bombay has no corresponding rule.

Rules have been made in connection with **section 9(c)** and under **section 37(2)(g)** as follows :—

Burma (A).—In every room of a factory ventilating openings shall be provided in the proportion of ten square feet for each person employed in such room, and the openings shall be such as to admit of a continued supply of fresh air :

Standard of
ventilation.

Provided that, subject to the control of the Secretary to Government, the Inspector may, for reasons to be recorded in writing, relax the conditions of this rule where in his opinion this may be done with due regard to the health of the persons employed in any room.

Punjab and N.-W. F. P. as Burma, *substituting* the Local Government *for* the Secretary.(B)

Delhi as above *substituting* the Chief Commissioner.(C)

Central Provinces and Madras as above *substituting* 5 sq. ft., *instead of* 10 and the Local Government as controlling authority.(D)

Assam.—E. In every room of a factory ventilating openings shall be provided in such proportion as the Inspector, subject to the control of the Local Administration, may by an order in writing direct.

Ajmer-Merwara.—F. The following provision is inserted between the two paragraphs of the rule A given above :—
“ Provided that in cases in which lateral ventilation cannot be contrived on account of the nature of the industry carried on in such room, sufficient interchange of fresh air shall be ensured by forced ventilation or other means as the Inspector appointed under rule (See section 5 and notes thereunder) above may deem sufficient or if this cannot be managed a minimum of 54 superficial feet and 900 cubic feet shall be provided for each person employed.” Chief Commissioner is the controlling authority.

Bengal, Bihar & Orissa, United Provinces and Bombay have no corresponding Rule.

Penalty for failing to comply with any provision of section 9, is Rs. 200 under section 41 (b) ; for failing to comply with any of the rules made under section 37(e) in connection with this section the penalty is Rs. 200 under section 43(c).

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the Inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the Inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Provision as to ventilation by fans in certain factories.

This corresponds to section 74 of the English Act. Under this section it has been held that provided dust existed in such quantity as to be necessarily injurious to health, the fan could be insisted upon. Actual injury need not be proved. (*Hoare v. Ritchie* (1901), 1 Q. B., 434; 65 J. P., 261; 70 L. J. Q. B., 279; 84 L. T., 54; 49 W. R., 351).

Order.—As regards the procedure, see section 50.

Penalty for failing to obey order is Rs. 200 under section 41 (g).

For a method of determining the amount of dust present in the air, see "A Special Report on Methods of Determination of Dust and Lead in Work-rooms" by Mr. G. E. Duckering, published in the Annual Report of the Chief Inspector of Factories, (England,) for 1910.

Lighting. **11.** (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not in the opinion of the Inspector so lighted, the Inspector may serve on the manager of the factory an order

in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

This section is new, and there is no corresponding section in the English Act, so what is necessary to constitute sufficient light is doubtful. To those interested in the subject "A Special Report on Illumination in Factories" by Mr. D. R. Wilson, printed in the Annual Report of the Chief Inspector of Factories (England) for 1911 may be recommended.

Order.—For procedure in connection with an order of the Inspector, see section 50.

Penalty for failing to obey order is Rs. 200 under section 41(g).

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

Purity of water
used for humidify-
ing.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the Inspector so purified, the Inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

By section 14 a supply of drinking water has to be maintained on the premises, and presumably this might be used for humidifying. This section may be compared with the corresponding English requirement, which is contained in No. 2 of the Regulations made under the Factory and Workshop (Cotton Cloth Factories) Act 1911, and runs as follows :—
 “ No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this regulation any water which absorbs from acid solution of permanganate of potash in four hours at 60° (Fahrenheit) more than 0·5 grain of Oxygen per gallon of water, shall be deemed liable to cause injury to the health of the persons employed.”
 For the method of carrying out the above test, which is a modification of the Forchhammer test, see Appendix IV, page 111.

Order.—For procedure in connection with an order, see section 50.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and, if the Local Government so requires, with separate urinal accommodation for the persons employed in the factory :

Provision of
latrines and urinal
accommodation.

Provided that the Inspector may, subject to such conditions as the Local Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

The following Rules* have been made in this connection under Section 37 (2) (h) :—

Burma, Delhi, N.-W.F.P., Punjab, and Assam (A).

* Latrines have to be kept clean. See Rule D(ii) given in the notes to section 9(a).

Every factory which has not been exempted under the proviso to section 13 shall be provided with latrine accommodation which shall be in a place detached from the other factory buildings and on the following scale, viz. :—

	Seats.
Where the number of operatives does not exceed 50	3
Where the number of operatives exceeds 50 but does not exceed 150	4
Where the number of operatives exceeds 150 but does not exceed 200	5
Where the number of operatives exceeds 200	1 seat for every 50 or fraction of 50.

(2) If females are employed, separate latrines screened from those for males and marked in the vernacular in conspicuous letters "*For females only*" shall be provided.

Those for males shall be similarly marked "*For men only*."

Madras (B), as (A), except that the Commissioner of Police in Madras City, and elsewhere the District Magistrate, and not the Inspector, have power to exempt the factories from providing sanitary accommodation.

The **Central Provinces'** Rules are similar with the addition of a male or female figure on the doors as well as the inscription (C).

Bombay is the same as the above with the addition of the following sub-rule (D). In factories which employ more than 100 hands and which do not provide flushing arrangements in the latrines, one urinal shall be provided for every 100 operatives or fraction of a hundred.

Ajmer-Merwara (E.) has the same rule as Burma but requires in addition twice as many urinals as seats.

• In **Bengal and Bihar and Orissa** the following rules are in force :—

(F) (1) Every textile factory which is provided with hand service latrines only, and which has not been exempted under the proviso to section 13 shall be provided with latrine accommodation in a place detached from the other factory buildings and on the following scales, viz :—

	Seats.
Where the number of persons employed at one time does not exceed 50 ..	3
Where the number exceeds 50 but not 150	4
Where the number exceeds 150 but not 300	5
Where the number exceeds 300 ..	1 for every 70 or fraction of 70.

(2) (i). If females are employed in such a factory separate latrines screened off from those for males and marked in the vernacular in conspicuous letters "*For females only*" shall be provided.

(ii) Those for males shall be similarly marked "*For men only*."

(iii) Such reduction in the above scale as may be approved by the Inspector, subject to the orders of the Local Government, may be made in the case of non-textile factories.

(G) (1). The following rules shall be observed by the occupier or manager of every factory in which septic tank latrines have been installed :—

(i) A duly qualified person shall be appointed to have charge, and to supervise the working of such installation.

For the purpose of this rule the Engineer or Manager of a factory or a supervisor of the firm which erected the septic tank may be deemed to be a duly qualified person.

(ii) A sweeper shall be placed in charge of each installation.

(iii) The floors and steps of a latrine while in use shall be kept washed and clean.

(iv) Every part of the mechanical arrangements connected with the flushing of the septic tank shall be kept in thorough working order.

(v) A supply of water shall be provided for flushing purposes at the rate of at least three gallons for each person using the existing latrine, or, in the case of latrines installed after these rules come into force, at the rate of at least four gallons for each such person.

(vi) A notice-board shall be affixed to each latrine, showing the maximum number of persons for whom it is designed; and automatic recording turnstiles shall be provided, and arrangements shall be made to ensure that the number of persons admitted to a latrine through a turnstile does not at any time exceed the number shown on the said notice-board.

(vii) The overworking of a latrine or the working of a latrine in such a manner as to cause the effluent to suffer in quality is strictly prohibited.

(viii) The effluent from a septic tank installation shall not be discharged into any river unless—

(a) it is clear, free from faecal odour and non-putrescible, and the nitrification has definitely commenced, and

(b) it has been sterilized by the addition to each gallon of five grains of fresh chlorinated lime.

(ix) Chlorinated lime for the purpose of such sterilization shall be kept in an iron receptacle provided with a close-fitting lid in a cool and dry godown.

(x) A daily register of the number of users of each latrine shall be carefully maintained.

(xi) If females are employed in such a factory, separate septic tank latrines screened off from those for males and marked in the vernacular in conspicuous letters "*For females only*" shall be provided. Those for males should be similarly marked "*For men only*."

(2) An Inspector of septic tank latrine installations may inspect such installations or any part thereof at any reasonable time, and may take samples of the effluent discharged therefrom.

(3) The inspection and supervision of the general working of the septic tank latrine shall remain in the hands of the Sanitary Commissioner, Bengal (or Bihar and Orissa) (and, Bengal only, the Inspector of Septic Tank Latrine Installations.) Inspectors of factories may also inspect such latrines, but they shall confine their investigation and reports to the general cleanliness of the installation.

United Provinces (H).—As Burma with the addition of the following three rules

(a) When any general system of underground sewerage is in force in a municipality, all factory latrines and urinals within the municipality shall be connected with the sewerage system.

(b) When no underground sewerage system exists, the dry earth system, with separate vessels for solid and liquid excreta, must be adopted, and satisfactory arrangements must be maintained for the regular removal and disposal of excreta.

(c) All drains carrying waste or sullage water shall be constructed in masonry or other impermeable material, and

shall be regularly flushed and connected with some recognised drainage line.

Penalty for failing to provide latrine or urinal accommodation as required by the section is Rs. 200 under section 41(c); for failing to comply with the rules made under section 37(2) (h) the penalty is Rs. 200 under section 43 (c).

14. In every factory there shall be maintained
Water-supply. a sufficient and suitable supply of
water fit for drinking for the use of
the persons employed in the factory.

The following rules have been made in this connection under section 37(2)(i).

Burma, Bombay, Delhi, N.-W. F. P., Ajmer-Merwara, Punjab, United Provinces, Central Provinces, and Assam :—(A)

(i) In every factory a supply of water fit for drinking consisting of at least as many gallons per diem as there are persons employed in the factory shall be provided.

(ii) Such supply shall be derived either from a public supply of drinking water or from one or more wells so situated as not to be polluted or contaminated with organic matter or other impurities.

(iii) Proper arrangements shall be made for maintaining in drained and cleanly condition the area round the place where the water is distributed.

(iv) The water shall be supplied to the operatives free of cost.

Bengal and Bihar and Orissa add the following :—(B)

(v) A tap or taps connected with any public water works from which a sufficient supply of water can at all

times be drawn as required shall be deemed a sufficient supply for the purpose of this rule.

(vi) In the case of an intermittent public water-supply, each factory shall be provided with a storage of water of not less than one gallon per head of operatives employed.

Madras (C).—As Burma but at the end of rule A (i) add the following: “and in addition a sufficient quantity of water for washing purposes.”

Penalty for failing to maintain a supply of water is Rs. 200 under section 41 (d); penalty for failing to comply with the rules under section 37(2)(i) in connection with section 14 is Rs. 200 under section 43 (c).

15. In every factory, the construction of Doors of factory to open outwards. which is commenced after the commencement of this Act, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

It is most desirable that Municipalities and other authorities which pass plans for new buildings should see that this section is observed before sanctioning the plans.

Penalty for any door constructed in contravention of section 15 is Rs. 200 under section 41(e).

16. (1) Every factory shall be provided with Provision of means for escape in case of fire. such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the Inspector so provided, the

inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

For procedure in connection with the order, see section 50.

Penalty for failure to obey the order of the Inspector is Rs. 200 under section 41 (i).

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Precautions against fire.

A prosecution under this section does not require the previous sanction of the Inspector and need not be before a Magistrate of the first class.

Penalty under section 43 (b) is a fine of Rs. 200.

Note that the person who smokes or uses a naked light is the person primarily responsible, and not the manager unless the light is used with his permission.

18. (1) (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of a water-wheel or engine worked by any such power,

Fencing.

(b) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(c) every part of the machinery which the Local Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the Inspector be dangerous if left unfenced, the Inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

Clauses (1) (a) and (1) (b):—These correspond to sections 10 (1) (a) and (1) (b) of the English Act, under which it has been held that it is not sufficient for the engine itself to be in a separate room, but in addition every part of the engine, such as the fly-wheel or the balls of the governor or as in *Johnson v. Richardson* (Q. B., 1896, unreported), the gear-wheels driving the governor must be securely fenced. Nor is it a defence to say that the fencing

as the usual in the district ; it must be the best method known [*Schofield v. Schunk*, 1855, 24 L. T. (o. s.) 253].

A “teagle” is a north-country word meaning a fixed lifting appliance in the form of a “cat-head” or fixed derrick in combination with a winch, by which goods are hoisted into or discharged from works, warehouses, or other buildings without the use of a cage or cradle and with or without the use of mechanical power.

Clause (1) (c) :—Rules for the fencing of certain parts of the machinery have been made in connection with this Section and under section 37 (2) (j), and are given below :—

Burma, N.-W. F. P., United Provinces, and Assam.—

(A) Every ring-throistle frame, flyer-throistle frame and doubling frame, the tin rollers of which
Fencing. revolve in the usual direction, i.e., in such

manner as to draw upwards between them any object coming into contact with them from beneath, shall be guarded in the following manner :—

(i) A guard or guards shall be permanently fixed along the whole length of each side of every such frame, and not further under the frame than the centre of each leg of the spring pieces. Such guards shall not be removable by hand, i.e., without the use of tools.

(ii) These guards shall be one or more stout horizontal iron bars or sheets or wooden planks, so placed that the clear vertical space between any two of them, or between the top-most and the spindle rail, or between the lowest and the floor shall in no case exceed 7 inches. If iron bars are used, a sufficient number of uprights shall be provided, so as to render the bars rigid enough to resist deflection.

(iii) Whenever under the tail-end of any such frame there is a clear space exceeding 8 inches from the floor, a like guard shall similarly be fixed across such end.

(iv) Every such frame which may hereafter be erected or re-erected in any factory shall be guarded in the above manner before being brought into use.

Bengal and Bihar and Orissa are similar with the addition of the following sub-rule (B) "Every jute softener in a factory shall be fitted with an efficient automatic stop gear and the said gear shall be kept constantly in working order."

Madras as Burma with the addition of the following sub-rule (C) "Every line of main driving shafts or tail ends of any such shafts which may be hereafter erected or re-erected, whose height from the floor is less than six feet, shall before it is set to work, be so guarded that it cannot be approached whilst in motion.

Central Provinces as Burma with the following sub-rule:—

(D) "Every main driving belt, rope and second motion pulley, line shaft and couplings of engine rope race alleys, underground alleys or galleries, the inlet, outlet, and side pulleys of every opener, and the wheels of every lathe, drilling machine and other gearing shall be securely fenced."

Bombay.—The rules are as follows:—

(E) Every ring-throstle-frame, flyer-throstle-frame and doubling frame, the tin rollers of which revolve in the usual direction, i.e., in such a manner as to draw upwards between them any object coming into contact with them from beneath, shall be guarded in the following manner:—

(i) A guard or guards shall be permanently fixed along the whole length of each side of every such frame and not further under the frame than the outer edge of the spindle rail.

(ii) These guards shall consist of strong horizontal iron bars not less than one and a quarter inches in width and one

quarter of an inch in thickness secured to suitable uprights spaced not more than four feet apart; the bars should be so placed that the clear vertical space between the topmost bar and the bottom of the spindle rail and between the lowest bar and the floor and between any bar and the next bar shall be not more than six inches. If any line of bars consists of more than one piece, the pieces forming the line shall overlap each other by at least two and a half inches and shall be secured with bolts." Sub-rule (iii) Burma.

(iv) Every such frame erected after these rules come into force shall be guarded in the above manner before being brought into use. In the case of frames erected before these rules came into force, the existing guards may be retained only so long as they shall not become insecure and require renewal. No new guards of any but the approved pattern shall be fitted to any frame whatever.

Punjab, Ajmer-Merwara and Delhi. The rules for these Provinces are given in connection with clause 4. See Note C, under section 18(4).

Ajmer-Merwara has the following rule in connection with section 18(2) made under 37(2) (b) and (o).

(A) "Every order for the fencing of any part of the machinery or mill-gearing of a factory which the Inspector appointed under rule 2(3) above (*i.e.*, the whole time Inspector) may pass under section 18(2) of the Act, shall state clearly what is required so that the said machinery or gearing may be securely fenced and shall specify a reasonable time within which what is required to be done shall be completed, and it shall further give notice that if it shall not be so completed the person responsible for the breach of the order will be prosecuted under section 41 of the Act."

For procedure to be adopted in an appeal against an order of the Inspector, see section 50.

In connection with **clause (4)**, and under section 37(2)(g), the following rules have been made :—

Madras, United Provinces, Assam, the Central Provinces and Berar.—

(A) The following rules for the protection from danger of person employed in attending to machinery in motion shall be observed in every factory :—

(i) Every person who goes up to replace a belt or to oil bearings of shafts shall wear a loin cloth or tight trousers, and shall not wear any loose clothing which is liable to be caught in the machinery.

(ii) Only experienced men and those specially trained for the work shall be allowed to replace fast running belts.

(iii) All ladders used in replacing belts shall be specially made and reserved for that work, and provided with hooks and spurs.

(iv) As far as possible all important pulleys shall be provided with belt-hangers :*

Provided that, when the main belts of any machinery have to be adjusted, the machinery shall be stopped and shall not be set in motion again, until such belts have been completely adjusted.

(E). All belts shall be regularly examined to see that they are kept at proper tension.

Burma.—A.* Clause A 1 begins :—“ Every person who has to attend to the machinery or mill-gearing in a factory and all mill-hands in rice mills.” In clause iii, after the word “belts” *add* “or for attending to the machinery or mill-gearing.” Also *add* clause v “Safe and convenient access shall be provided to all belts, bearings of shafts and other parts of the machinery or mill-gearing in a factory which may

* A belt-hanger is a guard or perch fixed near the side and periphery of a pulley on which a belt having run off its pulley or having been for any reason shifted, can rest.

require attention while in motion and also to all inspection doors or hand-holes of elevators in rice-mills. All gangway shall be firm, and, where more than four feet from the floor shall be not less than 18 inches wide, and where possible shall be provided with a hand-rail. In those places where it is necessary to step through or over them, all belts shall be entirely covered in. Provision shall also be made to prevent the necessity for any person while carrying out his duties to walk or stand on a shaker or other moving part of any machinery except on the moving table of a saw bench or in the cab of a crane."

Bengal, Bihar and Orissa have rule (A) only.

Punjab, Delhi and N.-W. F. P., have the same rules as **Madras** and then add the following :—

(C) "The second motion line shaft in Cotton Ginning Factories shall be enclosed by a continuous wall or unclimbable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling; and such openings shall be provided with gates or doors which shall be kept closed and locked."

Ajmer-Merwara has rule (A) only.

Bombay adds after rule (A) rule (D)

"(v) Cotton openers, combined openers and scutchers, scutchers and lap-machines, hard waste breakers and similar machines and spinning mules shall be driven from counter-shafts which must be provided with fast and loose pulleys and efficient belt shifters.

(vi) In all openers, combined openers and scutchers, (scutchers,) scutcher-lap machines, hard waste breakers and similar machines, the covers of the beaters and doors which give access to any dangerous parts of the machines shall be secured by a self-locking apparatus maintained in efficient order in such a manner as to make it impossible to open such cover or door while the machine is working. A similar

device shall be applied to the doors or casing over the jock box motion and adjacent parts of all slubbing, intermediate and roving frames set up after the date of the introduction of the Act XII of 1911.

(vii) In all openers, combined openers and scutchers, scutchers, scutcher-lap machines, hard waste breakers and similar machines, the door giving access to the dust chamber shall be provided with guards which shall, while admitting light, yet prevent contact between any portion of an operative's body and the beater grid bars.

(viii) All calendering machines shall be provided with an efficient "nip" guard along the whole length on the intake side of each pair of bowls, and shall be so fitted and maintained while the machine is in use as to prevent the access of any person's fingers to the point of contact of the rollers or bowls.

(E). All belts and hoist ropes or chains shall be regularly examined to see that they are at proper tension.

(F). All kiers, digesters, steam jacketed pans, air receivers, and other vessels worked under pressure shall be fitted with safety valves and pressure gauges.

Penalty for breach of section 18 (1), (3) or (4) is Rs. 200 under section 41 (f); for failure to obey an order of the Inspector under section 18 (2) is Rs. 200 under section 41 (g). A conviction under section 43(c) for an offence against rules under section 37 (2) (j) in connection with sections 18(1) (c) and 18(4) would also appear to be good.

Remarks.—It will be noted that there are no rules (except rule F above) dealing with Boilers, but in most of the provinces there are Local Boiler Rules and Acts in force. Although these differ to some extent in the different Provinces and should be consulted for details, they require generally that every Boiler and Prime-mover should be examined and licensed annually and that they should be under the charge of a

certificated man. Attention is also directed to the requirements of the Indian Electricity Act, 1903, by which any person who uses Electrical Energy in a factory other than that supplied by a Licensed Authority must give notice beforehand to the District Magistrate or in a Presidency town to the Commissioner of Police.

Attention is also directed to section 287 of the I. P. C. which runs as follows :—Whoever does with any machinery any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person,

or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to life from such machinery.

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

19. No woman or child shall be allowed to

Prohibition of employment of women and children in certain dangerous work.

clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Allowed.—Under the English Act it has been held that the words “*must not be allowed*” are not equivalent to “*must be prevented*” (*Crabtree v. Fern Spinning Co., Ltd.*, 1901, 66 J. P. 181; 85 L. T. 549; 50 W. R. 167; 20 Cox, C. C. 82.)

Any part of the machinery—has been held under the English Act that a child, while the machinery as a whole

is in motion, may not clean a fixed part of the machinery, and it is immaterial that it is not dangerous. (*Pearson v. Belgian Mills*, 1896, 1 Q. B., 244; 60 J. P., 151; 65 L. J. M. C., 48; 74 L. T., 101; 44 W. R., 334).

Penalty under section 41 (a) is a fine of Rs. 200 for each person allowed to work contrary to the terms of this section (section 45(b).)

Prohibition of employment of women and children where cotton-openers are at work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work :

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

Fire is the danger against which this section is specially directed.

Penalty under section 41(a) is a fine of Rs. 200 for each person illegally employed (section 45(b).)

CHAPTER IV.*

HOURS OF EMPLOYMENT AND HOLIDAYS.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Periodical stoppage
of work.

(2) Nothing in sub-section (1) shall apply to—

(a) any work performed by any person while employed in accordance with a system of shifts approved by the Inspector, or

(b) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(c) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works or ship-repairing works, or

(d) any work mentioned in Part A or in Part B of Schedule I,† or

(e) the factories mentioned in Part C of the said Schedule.†

(3) Where it is proved to the satisfaction of the Local Government—

* Chapter IV does not apply to parts of factories in which no mechanical power is employed. See section 3(2) page 9.

† For Schedule, see page 99.

(a) that any class of work not specified in Part A of Schedule I* is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part B of the said Schedule* any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part C of the said Schedule* requires, by reason of the exigencies or special circumstances of the trade carried on therein, an uninterrupted working day, the Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, exempt,—

in case (a), such class of work,

in case (b), work of the nature described in such class of factories,

in case (c), such class of factories,
from the provisions of sub-section (1) on such conditions, if any, as it may impose.

The drafting of this section is peculiar. Factories, other than seasonal factories, have, by section 36 (1) (a) & (b) and 36 (4), to affix a notice in the factories showing when work begins and ends each day and when the intervals are fixed. The Penalty for failing to do this is Rs. 200 under section 41(i). A seasonal factory does not have to affix any notice and it is by no means clear how they are expected to fix these intervals although it appears that the manager might be punished

* For Schedule, see page 99.

for not doing so under section 43(c). (This difficulty has been overcome in Bombay, Delhi and the Punjab, see notes to section 26.) While the maximum penalty for not fixing an interval is Rs. 200 under section 43(c) or 41 (i), if an interval is fixed and persons are employed during it, a penalty of Rs. 200 may be inflicted in respect of each person so employed. See sections 41 (a) and 45 (b).

If an Inspector refuses to approve a system of shifts the Manager may appeal; see section 50(2). The word "shifts" is defined in section 2 (8).

22. (1) No person shall be employed in any Weekly holiday. factory on a Sunday, unless—

(a) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, and

(b) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the Inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in section 36.

(2) Nothing in sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works or ship-repairing works.

(3) Nothing in sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule* I or in Part A of Schedule* II or to any factory specified in Part B of Schedule II.

* For Schedules I and II, see page 99 *et seq.*

(4) Where it is proved to the satisfaction of the Local Government—

• (a) that any class of work not specified in Part A of Schedule* I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part A of Schedule* II any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part B of Schedule* II supplies the public with articles of prime necessity which must be made or supplied every day, or

(d) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces, the Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, exempt,—

in case (a), such class of work,

in case (b), work of the nature described in such class of factories, and

in cases (c) and (d), such class of factories, from the provisions of sub-section (1) on such conditions, if any, as it may impose.

* Schedules I and II, see page 99 *et seq.*

In **Burma** Sunday work is allowed subject to certain conditions ; see section 55. Rules have been made under section 37(1) in this connection as follows :—

Bengal, Bihar & Orissa, Assam, N.-W. F. P., Central Provinces & Berar, Madras, United Provinces, Delhi, and the Punjab.(A)

In order to enable the Inspector to see that the provisions of the Act for a weekly holiday are observed, the manager of every factory, in which Sunday is not observed as the weekly holiday, shall keep a register showing the dates, whether Sundays or week days, on which the factory or any department thereof is closed.

For **Bombay**, see rules given as a note to sect. 26 (B).

Penalty under sections 41(a) and 45(b) is Rs. 200 for each person employed contrary to the provisions of section 22 and for a breach of the rules a fine of Rs. 200 under section 43(c).

Bengal, and Bihar & Orissa.—Jute presses* and ginning factories† (Bengal only) have been exempted from the provisions of sub-section (1), under the power granted in sub-section 4(d).

Burma.—Under sub-section 4(b) the work of converting latex or coagulum into rubber in rubber factories is exempted from the operation of sub-section (1)‡.

23. With respect to the employ-

ment of children in factories the

• following provisions shall apply :—

(a) no child shall be employed in any factory unless he is in possession of a certificate granted under

* Notification No. 5415, dated 20th August 1912 (Bengal), and No. 1495-M, dated 8th February 1913.

† Notification No. 6018, dated 15th October 1912.

‡ J. D. Notification No. 72, dated 14th May 1913.

section 7 or section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate ;

(b) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening :

(c) no child shall be employed in any factory for more than seven hours in any one day.

For definition of "child," see section 2(1) and for the method of obtaining a certificate, see section 7. Rules have been made in connection with this section and under section 37(1) as follows :

Burma, Bombay, Bihar & Orissa, Assam, N.-W. F. P., Madras, United Provinces. Punjab, Ajmer-Merwara.—

(A). In every factory where a child when at work wears, instead of his certificate, a token giving reference to the same, such token shall have the number of the child in the Register of Children stamped upon it. The token shall be attached round the neck of the child.

In **Delhi and the Central Provinces & Berar** the last clause of the rule is omitted. (B)

Bengal.—(C). " In every factory where a child, when at work, wears a token instead of his certificate, such token shall have stamped upon it the serial number of the child as given in the prescribed Register of Children. The token shall be hung round the neck of the child.

The Local Government may alter the limits of hours ; see section 51, page 95.

Any interval by which work is interrupted for not less than half an hour is excluded in computing the seven hours. See section 52, page 96.

Penalty for breach of Act is Rs. 200 for each child illegally employed under section 41(a) and for breach of the rule a similar fine under section 43(c).

24. With respect to the employment of women in factories the following provisions shall apply :—

Employment of women.

(a) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening ;

(b) no woman shall be employed in any factory for more than eleven hours in any one day.

This section does not apply to women employed in ginning factories, provided the conditions of section 27 are complied with ; the Local Governments have power to alter the limits of hours ; see section 51, page 95. Any interval by which work is interrupted for not less than half an hour is excluded when computing this period of eleven hours. See section 52, page 96.

Penalty is fine of Rs. 200 under section 41(a) for each person illegally employed (section 45(b).)

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Prohibition of employment of woman or child in two factories on same day.

Penalty is fine of Rs. 200 under section 41(a) for each person illegally employed (section 45(b).)

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Hours of employment of women and children to be fixed.

Note that the section does not apply to women employed in ginning factories provided the conditions specified in section 27, are complied with.

By section 36 a notice has to be affixed in factories other than seasonal factories (see note to section 21) showing what times have been specified for the employment of women and children and the following rules made under section 37(1) are also in force in the various Provinces as follows :—

Burma, Assam, Bengal, Bihar & Orissa, N.-W. F. P., Madras, Central Provinces & Berar, United Provinces, Ajmer-Merwara.

(A). In every factory the **muster roll** shall, in the case of every woman and child, show the time of beginning and ending of each period of employment during the day, and opposite the name of each child shall be recorded his number in the Register of Children.

Delhi and the Punjab have the following :—

(B). In every factory a muster roll or an attendance register shall be kept up either in English or Urdu, in which shall be recorded each day the names of all persons “employed” within the precincts of the factory. In the case of every woman or child it shall show for each working day the time of beginning and ending of each period of employment and opposite the name of each child shall be recorded the number of his certificate of age and fitness. The register must be entered up at the commencement of each working period and shall always be kept available during working hours for immediate inspection.

The **Bombay Rule** is as follows :—

(C) In every factory a muster roll shall be kept, which shall show the time of beginning and ending of each period of employment during the day for men and women. A subsidiary muster roll shall be kept for children, employed in each factory and shall show the same information as regards the hours of employment for children.

All intervals by which work is interrupted shall be recorded in these muster rolls, and a note shall also be made of the dates, whether Sundays or week-days, on which the factory or any department thereof is closed.

Penalty for not fixing specified hours is Rs. 200 under section 43(c); for employing a women or child illegally Rs. 200 under section 41(a) in each case (section 45(b)), for a breach of the Rules, Rs. 200 under section 43(c).

27. Nothing in section 24 or section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such number of women are employed as are in the opinion of the Inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

Exception to provisions relating to employment of women.

To determine the number of women necessary in the case of a ginning factory wishing to make use of this exemption, the following formula, sometimes known as the Khandesh formula, is usually employed. If G is the number ginned, and H the hours worked, then the required number of women is given by the expression $\frac{G \times H}{11}$.

This refers to the number of women actually required to work the gins; sweepers, etc., have to be employed in addition.

CHAPTER V.

SPECIAL PROVISIONS FOR TEXTILE FACTORIES.

For definition of a "textile factory," see section 2(9). It should be noticed that these special provisions are in addition to, and not in substitution of, the provisions contained in the previous Chapter. This chapter does not apply to parts of factories exempted by section 3(2).

28. No person shall be employed
Limitation of hours of work. in any textile factory for more than twelve hours in any one day.

It should be noted that this section regulates the employment of male adults. There is no corresponding provision in the English Act. The hours of employment of women and children are regulated by the provisions of sections 23, 24, 25, 26 and 32.

Any interval by which work is interrupted for not less than half an hour is excluded when computing this period of twelve hours: see section 52, page 97.

Penalty is Rs. 200 under section 41(a) in each case (section 45(b)).

29. (1) No person shall be employed in any
Limits between which a person may be employed. textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the Inspector.

When the Local Government considers it desirable it may alter these times, see section 51. If an Inspector refuses to approve a system of shifts the occupier may appeal; see section 50 (2), page 91.

Penalty is Rs. 200 under section 41(a) for each person wrongly employed (section 45(b)).

30. (1) Nothing in section 28
Exceptions from sections 28 and 29. or section 29 shall apply to—

(a) the work of calendering, finishing, sewing or tailoring, or

(b) the work of cloth-printing, bleaching or dyeing, or

(c) any work specified in Part A of Schedule* I.

(2) Where it is proved to the satisfaction of the Local Government that any work not specified in Part A of Schedule* I is of an urgent nature, or is such as in the interest of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Local Government may, subject to the control of the Governor-General in Council, by notification in the local official Gazette, exempt any person employed on such work from the operation of section 28 or section 29 on such conditions, if any, as it may impose.

Since cloth-printing works and bleaching and dyeing works are specially declared not to be textile factories by the proviso to section 2 (9), it would appear that this sub-section refers only to parts of Textile Factories in which parts the processes stated are carried on, and may have been inserted to avoid the necessity for frequent action under section 53.

* For Schedule, see page 99.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

Limit of use of
machinery.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the Inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of section 30 or in connection with any work which is exempted by the Local Government under sub-section (2) of the same section.

This section is not one of those mentioned in section 52 so that apparently any interval during which the power is stopped is included in computing the twelve hours. But compare with section 28.

Penalty under section 43 (c) is Rs. 200.

32. No child shall be employed in any textile factory for more than six hours in any one day.

Limitation of
hours of children.

Any interval by which work is interrupted for half-an-hour or more is excluded in computing the six hours. See section 52, page 96.

Penalty.—Rs. 200 under section 41 (a) for each person wrongly employed (section 45(b)).

CHAPTER VI.

NOTICES AND REGISTERS.

33. (1) Every person occupying a factory shall,—
Person occupying
factory to give
notice.

(a) in the case of existing factories, within one month after the commencement of this Act, or

(b) in the case of a factory which starts work after the commencement of this Act, within one month after he begins to occupy the factory,

send to the Inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Act :

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the Inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Act.

The term "seasonal factory," which appears to be a remnant of the old Act, is not defined. The Act of 1881 did not apply to premises in which work was carried on for less than four months in the year. As the law stands it would appear that it is for the courts to decide in each case whether a factory is seasonal or not.

There is no prescribed form for this notice of occupation, but in Burma, N.-W. F. P., Delhi, Punjab and the United Provinces forms for use in this connection may be obtained from the Inspectors. The notice has to be sent to the following officers. In Bengal, Bihar and Orissa and Assam to the Chief Inspector of Factories, Calcutta. In the United Provinces, to the Inspector of Factories, Cawnpore. In the Central Provinces and Berar, to the Senior Inspector through the District Magistrate. In Burma, to the Inspector through the District Magistrate. In Madras, to the Commissioner of Police in Madras City and elsewhere the District Magistrate. These officers forward copies to the Inspector of Factories. In the Punjab, Delhi, Ajmer-Merwara and N.-W. F. P. to the Inspector of Factories, Punjab. In Bombay, to the full time Senior Inspector of Factories at Ahmedabad, in the case of all factories situated in the districts of Sind and in the districts of Ahmedabad, Kaira, Broach, Surat and West Khandesh (excluding the Dhulia Taluka), and elsewhere to the Chief Inspector.

Penalty for failing to send notice of occupation or of change of manager is Rs. 200 under section 41(j).

34. When any accident occurs in a factory, causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Notice to be given
of accident.

There have been many cases under the Workmen's Compensation Act at Home in which the meaning of the word "accident" has been discussed, but whether they would be followed by the Indian Courts in dealing with cases under this Act is more than doubtful. In *Fenton v. Thorley & Co., Ltd.*, (1903, 89 L. T., 314) the House of Lords ruled that an "accident" means "an unlooked for mishap or an untoward event which is not expected or designed." Blood poisoning, caused by a scratch has been held to be an accident (*Thompson v. Ashington Coal Co., Ltd.*, 84 L. T., 120), but disablement brought about by long continued work among unhealthy conditions, e.g., paralysis from working in lead, has been held not to be an accident (*Steel v. Cammell, Laird & Co.* (1905), 93 L. T., 357).

Rules have been made under section 37(2) (k), in connection with this section as follows:—

Bombay, Bengal, Bihar and Orissa, Assam, Madras, United Provinces, Central Provinces and Berar.—

A. (1) Notice of accidents resulting in death, or causing such severe injury that there is no reasonable hope that the injured person will be able to return to work within 48 hours, shall be sent by

telegraph, telephone or special messenger within one hour of the occurrence to—

- (a) the Inspector notified for any area as the person to whom notices are to be sent* ;
- (b) the District Magistrate or, if he by general order so directs, the Sub-divisional Magistrate.

(2) In case of any accident resulting in death, notice shall also be sent within the same time and by similar agency to the officer in charge of the police station for the area in which the factory is situated.

(3) If the notice is sent by special messenger it shall be in Form E attached to these rules, and if it is sent by telegraph or telephone it shall be confirmed by a written report in that form.

B. Notice of accidents less serious than those referred to in rule A, but which nevertheless will prevent the injured person from returning to work within 48 hours of the occurrence, shall be sent by post within twenty-four hours of the expiry of that time to the authorities mentioned in rule A (1) (a) and (b) in Form E attached to these rules.

Punjab (C) as above except that in the case of rule A the information, must be sent by telephone or telegraph if this is possible and otherwise by special messenger or registered post. The report is on Form D.

In the **N.-W. F. P. (D)**.—Notice need not be sent to the District Magistrate. In **Delhi**, the District Magistrate cannot order the notice to be sent to the Sub-divisional Magistrate and report is on Form D.

Ajmer-Merwara (E).—The rule is as follows :—Notice in writing of all accidents resulting in death or from which the injury is evidently so severe that there is no reasonable hope that the injured person will be able to return to his

* i. e. The Inspector appointed under section 4(1).

work within 48 hours shall be given on the same day on which the injury occurs.

Notice of accidents of a less severe character but which nevertheless prevent the person injured from returning to his work within 48 hours of their occurrence shall be given within 24 hours of the expiry of that time. All notices of accidents shall be in Form E and shall contain the name of the person or persons injured and full information as to the nature and cause of the accident. Notices of the former class of accident shall be sent by telegraph or special messenger, and notices of the latter class of accidents shall be sent by post, in both cases to (1) the Inspector appointed under rules 2(3)* above, (2) the District Magistrate and (3) the officer in charge of the police station having jurisdiction within the area in which the factory is situated.

Burma.—The rules are as follows :—(F)(1). When death results from an accident occurring in a factory notice shall be sent (whether or not the accident has been reported under rule G(1)) within one hour of the death by telegraph, telephone or special messenger, to

- (a) the Inspector of Factories, Burma, direct ;
- (b) the District Magistrate or, or if he by general order so directs, the Sub-divisional Magistrate ;
- (c) the officer in charge of the police station for the area in which the factory is situated.

(2) If the notice is sent by special messenger it shall be in form E attached to these rules, and if sent by telegraph or telephone it shall be confirmed by a written report in that form.

(G) (1). When an accident occurs in a factory, which so disables any person employed in the factory as to prevent him returning to his ordinary work within 48 hours of the

* i. e., the Inspector appointed under section 4(1).

occurrence, notice shall be sent by post in Form E attached to these rules within 72 hours of the occurrence to the authorities mentioned in rule (E) (1) (a) and (b)

(2) If the injured person is sent to hospital, a further notice in Form E giving all the particulars specified therein, except that required by the last sentence, shall be sent to the officer in charge of the hospital, either along with the injured person or as soon after the accident as possible.

A specimen of the prescribed form for reporting accidents is given below ; the wording differs slightly in the various Provinces.

FORM E.—REPORT OF ACCIDENTS.

Dated _____ the _____ 19 .

SIR,

I beg _____ hereby to give notice under Rule* of the Burma† Factories Rules, 1912, that an accident occurred in the factory of _____ at _____ o'clock on _____ causing ^{death} ^{serious injury} ^{light injury} to the persons mentioned below :—

Name.	Race.	Sex.	Age.	Nature of injury.

The accident was caused by _____

The injured persons are under treatment by _____

Manager.

* Rule A, B i.e., as the case may be.

† Bombay, Bengal, etc. as the case may be.

Bengal, Assam and Bihar and Orissa forms are as sample, managers make their own arrangements for printing them but full sized specimen forms can be obtained from the Chief Inspector.

United Provinces as sample; forms may be obtained from the Superintendent, U. P. Government Press, Allahabad.

Madras forms as sample; forms are not supplied by Government.

Burma as sample but bilingual and "race" instead of "caste" in Col. 2; forms are supplied free on application to the Inspector.

Bombay.—For "The accident was caused by———" read "The injured person was working in the——— department, the injury was caused by the——— machine."

Central Provinces.—For "The accident was caused by———" read "Department in which injured person or persons worked at the time of the accident———The accident was caused by———" Forms are supplied free on application to the District Magistrate.

Punjab, Delhi, Ajmer-Merwara, N.-W. F. P. as sample.

Penalty for failing to report an accident is Rs. 200 under section 41(j).

35. In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Register of children.

Rules have been made under section 37 (2) (i) and in connection with this section as follows:—

° **Burma, Bombay, Bengal, Bihar and Orissa, N.-W. F. P., Madras, United Provinces, Central Provinces and Berar, Delhi, Punjab and Ajmer-Merwara.**

(A) In every factory where children are employed there shall be correctly kept up to date and written afresh from January 1st in each year a Register of Children in Form F* attached to these rules.

In **Assam** the proviso is added that (B) “the names of children employed solely in the places mentioned in section 3 (2) of the Act need not be entered in the register.

FORM F.—REGISTER OF CHILDREN.

Serial No.†	Name.	Father's name.	Sex.	Race, cast or Religion.	Certificate.		REMARKS.
					No.	Date.	
1	2	3	4	5	6	7	8

In **Burma** column 8 is headed “Nature of Employment.”

In **Bengal** (Form E) and **Bihar and Orissa** (Form E) omit Columns 3, 4, 5, 7 and 8.

In **Bombay** between Columns 7 and 8 add two others, “nature of employment” and “number of shift in which employed.”

In **Burma** copies of these registers are supplied free on application to the Inspector. Elsewhere they are procured privately.

* In Bengal, Bihar and Orissa, Delhi and Punjab, Form E.

† NOTE.—The number given here will be the same as the number on the token, if any.

Penalty for not maintaining register is Rs. 200 under section 41(h).

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Act and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely :—

Affixing of abstract
and notices.

(a) the time of beginning and ending work on each day ;

(b) the period during which all work is discontinued under section 21 ;

(c) the hours of beginning and ending work for each shift (if any) ; and

(d) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the Inspector *within one month of the commencement of this Act, or, in the case of a factory which starts work after the commencement of this Act, within one month of commencing work.*

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the Inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this

Act and the rules made thereunder, shall apply to any seasonal factory.

' In sub-section (2) the portion *in italics* has been repealed by the Repealing and Amending Act, 1914 (X of 1914).

As regards seasonal factories, see notes to section 33.

Rules have been made under section 37(2) in this connection as follows :—

Bombay, Bengal*, Bihar and Orissa*, Assam, N-W. F. P., United Province, Punjab*, Delhi*, Central Provinces and Berar, and Madras.

(A) (1) The abstract of the Act and of these rules required by section 36 to be affixed shall be, for textile factories, in Form G* attached to these rules.

(2) The abstract of the Act and rules required by section 36 to be affixed shall be, for non-textile factories, in a form similar to Form G* attached to these rules, but with necessary alterations approved by the Inspector.

(3) If the abstract of the Act and rules becomes illegible or defaced fresh copy shall be affixed.

(B) **Ajmer-Merwara.**—Every manager or occupier of a factory shall affix in some conspicuous place near the main entrance of the factory an abstract of the Act and of the rules under the Act. This shall be printed in English, Urdu, and Hindi in accordance with Form G attached to these rules. If the abstract of the Act and rules becomes defaced or illegible a fresh copy shall be affixed.

Burma.—As Bombay with sub-rule (2) altered as follows :—

(C) (2) The abstract of the Act and rules required by section 36 to be affixed shall be, for non-textile factories,

* In *Bengal and Bihar and Orissa.*—The abstract is Form F and Form G a tabular form, part of Form F, for recording the period of employment. In the Punjab and Delhi the abstract is Form F.

in Form H attached to these rules. Non-textile factories in which more than forty-nine persons are employed shall, in addition, affix the abstract in Form I attached to these rules.

The abstracts of the different Provinces vary considerably, and as they are long and have no particular interest they are not inserted in this manual. They may be obtained from the following sources :—

(D) **Bombay**.—Form G for textile factories and Form G* modified for non-textile factories. The abstracts are printed in English and three vernacular languages on one large sheet, and are obtainable from the Inspector at $1\frac{1}{2}$ annas a sheet. Copies of the Act and rules may also be obtained from him.

(E) **Bengal**.—Form F is obtainable from the Chief Inspector at 4 annas a copy in English, Bengali or Hindi. The rules may be obtained from him in the same languages at 5 as. a copy and the Act in Bengali or Hindi at 7 as. 6 p.

(F) **Assam**.—Form G obtainable from the Chief Inspector, Calcutta. at 1 anna a copy in English, Bengali, or Assamese. Copies of the Act and rules in English may be obtained at $7\frac{1}{2}$ annas and one anna respectively from the Superintendent, Secretariat Press, Shelloo.

(G) **Bihar and Orissa**.—Form G obtainable from the Chief Inspector, Calcutta, in English at 4 annas a copy. Copies of the Act and Rules may be obtained at $7\frac{1}{2}$ annas and 5 annas respectively from the Superintendent, Government Press, Ranchi.

(H) **Burma**.—Form G is not published for sale.* Forms H and I are obtainable from the Superintendent of Government Printing, Rangoon, at 4 annas a copy in English and Burmese.

* There are no textile factories in Burma.

(I) **United Provinces.**—Form G is obtainable from the Inspector or the Superintendent of Government Printing, Allahabad, at 1 anna a copy in English or Hindustani; copies of the Act and rules may be obtained in the same languages from the same source at 7 as. 6 p. each.

(J) **Madras.**—Form G for textile factories and Form G modified for non-textile factories may be obtained from the District Magistrates at 1 anna a copy in English, Tamil, Telegu, Malayalam, or Canarese; copies of the Act and Rules in the same languages may be obtained from the Superintendent, Government Press, at 4 annas each.

(K) **Central Provinces and Berar.**—Form G in English is obtainable from the District Magistrates at 2 annas a copy. Copies of the Act in English, Hindi and Marathi may be obtained from the Managers of the bookdepôts at Nagpur and Jubbulpore at 7½, 5 and 1 annas. The rules may be obtained in the same languages and from the same source at 3 annas.

(L) **Punjab.**—Form F for textile and form F-1 for non-textile factories are obtainable from the Inspector at 1 anna a copy in English, Urdu, Hindi, and Punjabi. He also supplies the rules in the same languages at 2 anna and the Act in English and Urdu at 7½ annas and 1½ annas.

(M) **N.-W. F. P.**—Form G is obtainable from the Inspector at 2 annas a copy in English. The Act V rules in English can be obtained from the Inspector at 7½ annas and 4 annas.

(N) **Ajmer-Merwara.**—Form G is obtainable from the Inspector in English, Hindi or Urdu. The Act and rules may be obtained from the office of the Commissioner at 7½ annas and 4 annas.

(O) **Delhi.**—Form F for textile factories and Form F-1 for non-textile factories can be obtained from the Inspector

at 1 anna a copy in English or Urdu. The rules and Act in the same languages are supplied by him at 2 annas for the rules and $7\frac{1}{2}$ annas and $1\frac{1}{2}$ annas for the Act

The "*notice*" referred to in clause 2, is sent to the same officer as the notice of occupation referred to in section 33, *q.v.*

Penalty for any breach of this section is Rs. 200 under section 41(i).

CHAPTER VII.

RULES.

37. (1) Subject to the control of the Governor-General in Council, the Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

Power to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the inspection of factories ;
- (b) the manner in which Inspectors are to exercise the powers conferred on them by this Act ;
- (c) the duties to be performed by certifying surgeons ;
- (d) the form of the certificate prescribed by section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;
- (e) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia ;
- (f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein ;
- (g) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(h) standards of latrine and urinal accommodation ;

(i) standards of water-supply ;

(j) the parts of the machinery to be kept fenced in accordance with section 18, sub-section (1), clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers ;

(k) the form of the notice prescribed by section 34, and the time within which and the authorities to whom it shall be sent ;

(l) the form of the register prescribed by section 35 ;

(m) the abstracts of the Act and of the rules required by section 36 ;

(n) the procedure to be followed in presenting and hearing appeals under this Act, including the appointment and remuneration of assessors ; and

(o) the manner of service of notices and orders upon occupiers or managers of factories.

By section 21 of the General Clauses Act a Local Government which has power to make rules has also power (exercisable in like manner, and subject to the same conditions) to add to, amend, vary, or rescind any rule.

Those rules which supplement definite sections of the Act have been given under their appropriate sections, but the following which are general in their application are for convenience grouped here. The first rule in the various Provinces runs as follows :—

(A) **Bombay**.—These rules and orders may be cited as “ The Bombay Factory Rules, 1912 ”

(B) **Burma**.—These rules may be cited as “ The Burma Factory Rules, 1912.”

(C) **United Provinces.**—These rules and orders may be cited as “The United Provinces Factories Rules, 1912.”

(D) **The North-West Frontier Province.**—These rules and orders may be cited as “The North-West Frontier Province Factories Rules, 1912.”

(E) **Assam.**—These rules and orders may be cited as “The Assam Factories Rules 1912.”

(F) **Bihar and Orissa.**—These rules and orders may be cited as “The Bihar and Orissa Factories Rules, 1912.”

(G) **Bengal.**—These rules and orders may be cited as “The Bengal Factories Rules, 1912.”

(H) **Madras.**—These rules and orders may be cited as “The Madras Factories Rules, 1912.”

(J) **Delhi.**—These rules may be cited as “The Delhi Factory Rules, 1913.”

(K) **Punjab.**—These rules may be cited as “The Punjab Rules, 1912.”

(L) **Ajmer-Merwara** has no corresponding rule.

(M) **Central Provinces.**—These rules and orders may be cited as “The Central Provinces Factories rules, 1912.”

(N) **Berar.**—These rules and orders may be cited as “The Berar Factories Rules, 1912.” It should be noted that the Berar rules are throughout identical with the Central Provinces rules.

As regards the service of notices, etc., the following Rules have been made :—

Bombay, Central Provinces and Berar, United Provinces, N.-W. F. P., Assam, Madras, Delhi, Punjab, Ajmer-Merwara and Burma.

(O) The despatch through the post, under registered cover, of any notice, order or extract of an Inspector's report sent under the Act or under these rules, shall be deemed a sufficient service on the occupier or manager of the factory of

Manner of service
of notices.

such notice or order or of any directions contained in such extract.

Bengal and Bihar and Orissa as follows : (P).—Notices and orders under the Act or under these rules shall either be served personally on the occupiers or managers of factories, or shall be sent to them by post under registered cover.

By section 28 of the General Clauses Act such service is deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post unless the contrary is proved.

38. The Governor-General in Council may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in his opinion be necessary for the effectual carrying out of this Act.

Returns.

In this connection the Governor-General in Council has made the following rule (Notification C. and I. Factories, No. 6750-25, dated 14th September 1912):—

“Every manager of a factory shall furnish to the Inspector of Factories or other officer designated by the Local Government in this behalf the following returns, namely :—

I.—On or before the 15th January of each year, an annual return in duplicate in the form set forth in the schedule hereto annexed.

II.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the next ensuing month. This return shall be submitted whether the factory is or is not working during the calendar month preceding the one to which the return relates.”

SCHEDULE.

RETURN No. I.

District.	Place.	Class of factory.	Name of factory.	Name of occupier.	Name of manager.	Hours of starting and stopping work.	Average number of operatives employed				Whether interval is given after 6 hours' work and, if so, time and length of interval or whether factory is worked in accordance with a system of shifts, or whether factory is exempted from interval and, if so, under what provision of section 21.	Whether holiday is invariably given on Sundays, or week-days are sometimes substituted, or whether factory is exempted and, if so, under what provision of section 22.	REMARKS.	
							Adults	Children.	Men	Women.				Boys.
1		2	3	4	5	6	7	8	9	10	11	12	13	14

Forms for the annual returns are sent by the Inspectors to the managers of mills about the middle of December in each year. When filled in they have to be returned to the same officers as notices of occupation. (See notes to section 33).

In **Burma** and **Punjab** Forms for the monthly notices may be obtained free from the Inspector. In the **United Provinces** specimen forms may be obtained from the Inspector to be copied by managers. Elsewhere managers supply their own notices. These monthly notices are sent to the same officers as the annual returns.

Penalty for failing to submit either of these returns is Rs. 200 under section 11(j).

39. (1) The power to make rules conferred by section 37, except clauses (k), (l) and (m) of sub-section (2) thereof, and by section 38 is subject to the condition of the rules being made after previous publication.

Prior publication
of rules.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

Section 23 of the General Clauses Act is as follows :—

23. Where, by any Act of the Governor-General in Council or Regulation, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, namely :—

- (1) the authority having power to make the rules or bye-laws shall, before making them, publish

a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby ;

- (2) the publication shall be made in such manner, as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Governor-General in Council or the Local Government prescribes ;
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ;
- (4) the authority having the power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified :
- (5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye-law has been duly made.

40. Rules made under this Chapter shall be published in the local official Gazette or the *Gazette of India*, as the case may be, and shall thereupon have effect as if enacted in this Act.

Commencement
of rules.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Penalties. **41.** If in any factory—

(a) any person is employed or allowed to work contrary to any of the provisions of this Act ;

(b) any of the provisions of section 9 are not complied with ;

(c) latrine or urinal accommodation in accordance with the provisions of section 13 is not provided ;

(d) a supply of water for the persons employed is not maintained in accordance with the provisions of section 14 ;

(e) any door is constructed in contravention of section 15 ;

(f) any of the provisions of section 18, subsections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers are not complied with ;

(g) any order of an Inspector under section 10, section 11, section 12, section 16 or section 18 is not complied with ;

(h) the register prescribed by section 35 is not kept up to date ;

(i) any of the provisions of section 36 are not complied with ;

(g) any notice or return required by this Act or by rules made thereunder to be furnished is not furnished ;

the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees :

Provided that in cases where an appeal is allowed by section 50 no prosecution under clause (g) of this section shall be instituted until either the time prescribed by section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

By section 25 of the General Clauses Act, 1897, sections 63 to 70 of the I. P. C. and the provisions of the Code of Criminal Procedure——— in relation to the issue and execution of warrants for the levy of fines apply to penalties under this Chapter. Briefly it may be said that in default of payment of the fine imposed simple imprisonment may be given in accordance with the following scale :—

Fine not exceeding Rs. 50	Simple imprisonment not exceeding 2 months.
„ 100	4 months.
Fine exceeding „ 100	6 months.

If part (only) of the fine is recovered, the imprisonment is proportionately reduced.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the

Exemption of occupier or manager from liability in certain cases.

Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and

(b) by what person the offence has been committed, and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders, the Inspector, shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

This section is almost identical with section 141 of the English Act, and takes the place of section 17 in the Act

of 1881 as amended by the Act of 1891. For a case under the old Act, in which it was held that the occupier was responsible for preventing the effluvia from a privy from entering the factory, even although it was the fault of the Municipality, see "*Chairman of the Serampore Municipality v. Inspector of Factories, Hoogly*, (1898) 1. L. R.. 25 Calcutta, 454.

Penalties for certain offences.

43. Any person who—

(a) wilfully obstructs an Inspector in the exercise of any power under section 5, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of this Act or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an Inspector ;

(b) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 17 ; or

(c) does or omits to do any other act prohibited or prescribed by this Act or any order or rule made thereunder ;

shall be punishable with fine which may extend to two hundred rupees.

See notes to section 41.

44. Any person who knowingly uses or attempts

Using false certificate. to use, as a certificate granted to himself under section 7 or section 8, a certificate granted to another person under either of those sections, or who, having procured such a

certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

45. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

Limit to penalty
in case of repetition
of offence.

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(b) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Act.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process or work incidental to any manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Presumption as to
employment.

For evidence as to age, see next section.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

Evidence as to age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

To determine the age of a child refer to Appendix III, page 110.

48. (1) No prosecution under this Act, except
 Cognizance of a prosecution under section 43, clause
 offences. (b), shall be instituted except by or
 with the previous sanction of the Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence against this Act or any rule or order thereunder, other than an offence against section 43, clause (b).

Section 43(b) inflicts a penalty on any person using a naked light or smoking in contravention of section 17.

49. No Court shall take cognizance of any
 offence against this Act or any rule
 Limitation of or order thereunder, unless complaint
 prosecutions. thereof is made within six months
 of the date on which the offence is alleged to have
 been committed.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

50. (1) Any person on whom an order under section 10, section 11, section 12, Appeals. section 16 or section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an Inspector refuses to approve a system of shifts, he shall, if required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Local Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Local Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

The following type rule has been made in connection with this section and under section 37 (2) (n); the appellate authority, representative body, and assessor's fees varying in the different Provinces as shown below.

(1) An appeal presented under section 50 shall lie to the and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order, bearing a court-fee stamp in accordance with Article 11 of Schedule II of the Court Fees Act and accompanied by a copy of the order appealed against.

(2) On receipt of the memorandum of appeal the appellate authority shall, if he thinks fit, or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body representing the interest of the industry concerned, or such other body in place thereof as representing such interest as the Local Government may hereafter by notification prescribe, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall himself appoint a second assessor. He shall then fix a date for the hearing of the appeal, and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear on such date to assist in the hearing of the appeal.

(3) An assessor appointed in accordance with the provisions of clause (2) shall receive a fee of Rs. 16 for the hearing

of an appeal which does not extend over three hours and of Rs. 32 *per diem* in other cases. The fee shall be paid by Government. But, where assessors have been appointed at the request of the appellant, and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees of the assessors shall be paid in whole or in part by the appellant.

Burma.—(A) The appellate authority is the Commissioner; the Representative body the Burma Chamber of Commerce; and the fee Rs. 16 for a hearing which does not extend over three hours and Rs. 32 per day in other cases.

Madras.—(B) The appellate authority is the Commissioner of Salt, Abkari and Separate Revenue; the representative bodies are (1) The Madras Chamber of Commerce; (2) The Southern India Chamber of Commerce; (3) The Cocanada European Chamber of Commerce; (4) The Tuticorin Chamber of Commerce; (5) The Cochin Chamber of Commerce; (6) the Adoni Factory Owners' Association. The fee is not to exceed Rs. 50.

Bengal as type rule with the following alterations:—

(C) The appellate authority is as follows:—

(a) In the metropolitan area, *i.e.*, the Burdwan and Presidency Divisions, to a board consisting of—

- (i) the Commissioner of the Division;
- (ii) the Civil Surgeon of the district; and
- (iii) a nominee for a year at a time of the Bengal Chamber of Commerce.

(b) In any other Division the Commissioner of the Division.

No body representing the interests of an industry has been prescribed. In sub-rule 3 the hearing fee for an assessor is Rs. 32.

Delhi as type rule; Chief Commissioner being the appellate authority. No representative body has been appointed. (D).

N.-W. F. P.—As type; Revenue Commissioner being appellate authority and the fee is Rs. 5. (E).

Ajmer-Merwara.—The appellate authority is the Commissioner or when the order appealed against has been made by the District Magistrate, to the Chief Commissioner; the assessor's fee is Rs. 10 per day. (F).

Punjab.—The appellate authority is the Director of Agriculture and Industries and the assessor's fee is fixed by him, subject to a maximum of Rs. 50. (G).

Bihar and Orissa.—The appellate authority is the Commissioner and the fee is Rs. 32. (H).

United Provinces.—The appellate authority is the Commissioner of the Division, and the fee is Rs. 100. Representative Body, Upper India Chamber of Commerce. (J).

Assam.—Appellate authority is the Commissioner of the Division, and the fee is Rs. 16. (K).

Central Provinces.—The appellate authority is the District Magistrate, or if the original order was made by him to the Commissioner of the division, and the fee is Rs. 25. (L).

Bombay.—(M). The appellate authority is the Chief Inspector, ~~and in~~ cases where the order appealed against is passed by that officer, to the District Magistrate, and the following is substituted for sub-section (3) given above:—
“An assessor appointed in accordance with the provisions of clause (2) shall receive a fee of Rs. 25 for each day or each part of a day during which the appeal may be heard. He shall also receive a reasonable sum to cover the cost of attending at any place with the appellate authority in connection with the appeal. The fee and allowance shall be paid by Government. The appellate authority shall decide what is a reasonable sum for the purpose of the allowance. But where assessors have been appointed at the

request of the appellant and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees and allowances of the assessors shall be paid in whole or in part by the appellant."

The Millowners' Associations at Bombay and Ahmedabad in the case of the textile industry, and the Chambers of Commerce, Bombay and Karachi, in respect of other industries are the bodies empowered to appoint assessors.

51. (1) In respect of any area in which the hours of the day are not ordinarily reckoned according to local mean time, the times and hours referred to in section 2, sub-section (8), section 26 and section 36 shall be reckoned according to the standard of time ordinarily observed in such area.

Special provision
regarding computa-
tion of time.

(2) The Local Government may, by notification in the local official Gazette, direct that, for any specified area and during any specified months, for the morning and evening hours mentioned in section 23, clause (b), section 24, clause (a), and section 29, such one of the following sets of morning and evening hours, as it deems suitable, reckoned according to the standard of time ordinarily observed in such area shall be substituted, namely :

five o'clock in the morning and half past six

o'clock in the evening ;

six o'clock in the morning and half past seven

o'clock in the evening ;

half past six o'clock in the morning and eight

o'clock in the evening ;

seven o'clock in the morning and half past

eight o'clock in the evening.

Under this section the following notifications have been issued.

Bombay.—In Presidency proper and Sind for the morning and evening hours mentioned in section 23(b), section 24(a) and section 29, the following are to be *Substituted*:—From November 1st to March 31st, inclusive—half past six o'clock in the morning and eight o'clock in the evening and, from April 1st to October 31st, inclusive—six o'clock in the morning and half past seven o'clock in the evening. (General Department, Notification No. 8706-A., dated 17th December 1912.)

United Provinces.—In the same sections *substitute* the following:—

During March, April, September and October—six o'clock in the morning and half past seven o'clock in the evening. During November, December, January and February—half past six o'clock in the morning and eight o'clock in the evening. During May, June, July and August—half past five in the morning and seven o'clock in the evening.

Delhi.—November 1st to March 31st—seven o'clock in the morning and half past eight o'clock in the evening, and from April 1st to October 31st half past five o'clock in the morning and seven o'clock in the evening.

52. In computing the hours referred to in section 23, clause (c), section 24, clause (b), section 28 and section 32, any interval by which 'work is interrupted for half an hour or more shall be excluded.

Computation of
hours of employ-
ment.

53. The Local Government may, subject to the control of the Governor-General in Council, by special order in writing, direct, with respect to any factory

Power to declare
parts of a factory
to be separate
factories.

or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Act be treated as if they were separate factories.

54. This Act shall apply to
Application to Crown factories. factories belonging to the Crown.

Since the Crown is not bound by a Statute unless expressly named therein, the insertion of this section is necessary in order to bring Government factories under the Act.

55. Notwithstanding anything in section 22,
Special provision for Burma for employment on Sunday. sub-section (1), any person may in the province of Burma be employed on Sunday for any time not exceeding four hours in cleaning the machinery and apparatus in a factory, provided that he has not worked in the factory later than two o'clock in the afternoon on the previous day.

56. In case of any public emergency, the Local
Power to exempt from Act. Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as it thinks fit.

Under this section several factories engaged in the manufacture of munition have been exempted from the operation of the Act.

57. The Governor-General in Council may,
Exercise of power by Governor-General in Council. if he thinks fit, exercise any power which is by this Act conferred upon the Local Government.

58. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection to persons acting under Act.

The definition of the I. P. C. does not apply here, but that of the General Clauses Act. s. 3 (20). It runs as follows :—
 “A thing shall be deemed to be done in ‘good faith’ where it is done honestly, whether it is done negligently or not.”

59. The Indian Factories Act, 1881, and the Indian Factories Act, 1891, are hereby repealed :

Repeal and savings.

Provided that all appointments made and all certificates given under the said Acts shall be deemed to have been made or given under this Act.

SCHEDULE II

(See sections 21, 22, 30.)

PART A.

[See sections 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTEREST OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

- (a) Work by the supervising staff, clerks, watchmen or messengers :
- (b) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps ;
- (c) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories :
- (d) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms “examining” or “repairing ;”

- (e) work on the processes of packing, bundling or bailing of finished articles or the receiving or despatching of goods.

PART B.

[See section 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY :—

Tanneries.	Bleaching and dyeing works.
Sugar refineries.	Carbonic acid gas works.
Breweries.	Chemical works.
Distilleries.	Glass works.
Oil refineries.	Paper mills.
Oil mills.	Shellac factories.
Cement works.	Potteries.
Cloth-printing works.	Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART C.

[See section 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY :—

Flour mills.	Ice factories.
Rice mills.	The mints.
Letter-press printing works.	Gas works.
Dairies.	Air-compressor stations.
Bakeries.	Water-works or water-supply pumping stations.

SCHEDULE II.

(See section 22.)

PART A.

[See section 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY :—

Tanneries.	Carbonic acid gas works.
Sugar refineries.	Chemical works.
Breweries.	Glass works.
Distilleries.	Shellac factories.
Oil refineries.	Potteries.
Cement works.	Blast furnaces, ore smelting works or works for the manufacture of iron or steel or other metals.

PART B.

[See section 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY :—

Ice factories.	Gas works.
Dairies.	Air-compressor stations.
Bakeries.	Water works or water-supply pumping stations.

APPENDIX I.

List of the Inspectors of Factories with Powers and Local Limits.

BOMBAY PRESIDENCY.

Chief Inspector of Factories (J. D. F. Engel, Esq.)	Full powers of an Inspector in the whole of the Bombay Presidency and Sind.
Other Inspectors of Factories	Full powers of an Inspector in such parts of the Bombay Presidency, including Sind, as the Collector of Bombay may assign to them respectively.

For purposes of transfer the "other Inspectors" are subordinate to the Collector of Bombay; for all other purposes they are subordinate to the Chief Inspector. They are the technical advisers to the District Magistrates on Factory matters, and perform any special work in connection with factories which he may require of them.

All Mamlatdars and Mukhtiar-kars.	Have power to enter any factory within the limits of their talukas for the purpose of making such examination of the premises and registers as may be necessary to enable them to ascertain whether the requirements of sections 21, 22, 23 and 24 of the Act are being duly observed.
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The abovementioned officers are Inspectors under Section 4(1).

District Magistrates*

Are Inspectors within the limits of their districts under Section 4(3) but shall pass no *original* orders under sections 9, 10, 11, 12, 15, 16, 18, 19, and 29 of the Act, but shall confine their orders under those sections to the points to which the full-time Inspector of Factories appointed under sub-section (1) of section 4, has already directed the attention of the owners of the factories.

BENGAL, BIHAR AND ORISSA, AND ASSAM.

Chief Inspector of Factories
(R. P. Adams, Esq.)

Full powers of an Inspector in Bengal, Bihar and Orissa, and Assam.

Two other Inspectors of
Factories.

" Ditto."

Additional Inspector of
Factories.

The Sub-divisional Officer, Serajgung, within the limits of his sub-division.

The Chief Inspector is directly subordinate to Government in the Financial Department in Bengal and in the Municipal Departments in Bihar and Orissa and Assam.

All notices and Returns are sent direct to the Chief Inspector; notices of accidents are also sent to the District Magistrate, and if fatal, to the police.

* The Collector of Bombay is considered to be the District Magistrate for the Island of Bombay.

MADRAS PRESIDENCY.

The Inspector of Factories, Madras. (H. T. Walters, Esq.)	Throughout the Presidency, all powers of an Inspector except powers to (1) exempt any factory from the pro- visions of section 13 of the Act; (2) sanction prosecu- tions under sub-section (1) of section 48 of the Act; (3) suspend the operation of any order given by the Inspector appointed under section 4 (1) of the Act, and refer it to the Local Government, or to the authority to whom the Inspector is officially sub- ordinate.
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Factory Inspection Office
“Oomer Buildings.” Madras.

Assistant Inspector of
Factories.
(S. A. Cartledge, Esq.)

These Officers are appointed
under sub-section (1) of
section 4.

The Commissioner of Police. Madras, District Magistrates.	in the City of } exercise all Madras; } the above in their respec- } reserved tive districts; } powers.
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Note.—The Commissioner of Police is an Inspector appointed under section 4 (4); District Magistrates are Inspectors under section 4 (3).

Inspectors are officially subordinate to the Board of Revenue (Separate Revenue).

The above appointments and limitations are made by G. O. No. 1240, dated 6th August 1912 except that of the Assistant Inspector which was made by G. O. No. 2811, dated 14th December 1914.

CENTRAL PROVINCES AND BERAR

The Senior Inspector of Factories. (E. R. Powell, Esq.)	These Officers are appointed under section 4 (1), and have in the Central Pro- vinces and Berar all the powers of an Inspector except under sections 42 (2) and 48.
The Junior Inspector of Factories (E. G. Fido, Esq.)	
District Magistrates	Are Inspectors for their dis- tricts under section 4 (3), and have full powers.
The Senior Assistant Commis- sioners, Jubbulpore, Akola, and Amraoti, and all Sub- Divisional Magistrates in Berar and in the Nagpur and Wardha Districts of the Central Provinces and the Sub-divisional Magistrate of the Burhanpur Tahsil of the Nimar District.	The powers of an Inspector under sections 5 (a) & (b), within their respective jurisdictions. These Officers are Inspectors under section 4 (4).

Every Inspector is officially subordinate to the Director of Agriculture and Industries.

It may be remarked that, as a matter of departmental practice, in this Province factories are divided up into two classes; (a) Factories ordinarily visited by the expert Inspectors annually and (b) those not so visited. In the former class District Magistrates do not generally pass any *original orders*, and confine their attention to seeing that the orders of the expert Inspector have been carried out; in the latter class of factories, which are only visited by the Expert Inspectors

about once in three years, they exercise their powers with greater freedom.

UNITED PROVINCES.

Inspectors (2) of Factories, Cawnpore.	Full powers of Inspectors throughout the Province, are subordinate to the Financial Secretary to Government; are appointed under section (4) (1) and are also Inspectors of Boilers
District Magistrates.	Full powers of an Inspector within their districts

BURMA.

Inspector of Factories, Burma. (W. H. C. Prideaux, Esq.). Rangoon.	Full powers of an Inspector throughout the Province, and is officially subordinate to the Secretary to Government. Appointed under section 4 (1).
District Magistrates	Full powers of an Inspector within their districts are appointed under section 4 (3).
Sub-Divisional Officer, Moulmein.	Exercises all the powers of an Inspector within the Municipality of Moulmein, and is officially subordinate to the District Magistrate. This Officer is appointed under section 4 (4).

AJMER-MERWARA.

Inspector of Factories, appointed under section 4(1). (L. H. Taffs, Esq.)	Has the full powers of an Inspector throughout Ajmer-Merwara; and is officially subordinate to the Chief Commissioner.
The District Magistrate under section 4(3).	" Ditto."
The Extra Assistant Commissioners, Ajmer-Merwara and Kerki under section 4 (4).	In Ajmer-Merwara and Kerki respectively have powers under Sections 5 (omitting the words "and machinery" in section 5 (b).) and in general to carry out the following provisions of the Act :- Sections 9 (a) & (b) and 13, 14, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 32.

The Extra Assistant Commissioners are officially subordinate to the District Magistrate.

PUNJAB, DELHI AND THE NORTH-WEST FRONTIER PROVINCE.

Inspector appointed under section 4 (1).	Has the full powers of an Inspector and officially subordinate to the Director of Agriculture in the Punjab, the Chief Commissioner in Delhi and the Revenue Commissioner in N.-W. F. P.
District Magistrates	Full powers within their districts.
Director of Agriculture and Industries.	Additional Inspector with full powers.

APPENDIX II.

List of Certifying Surgeons.

The Officers in column 1 have been appointed as Certifying Surgeons for the districts shown in column 2.

BOMBAY PRESIDENCY.

<i>Column 1.</i>	<i>Column 2.</i>
The Certifying Surgeon for the Town and Island of Bombay.	Kurla.
The Civil Surgeon	Ahmedabad, Broach, Surat, Bhusaval, Sholapur, Karachi, and Sukkur.
The Civil Surgeon. Jalgaon	Jalgaon and Amalner.
The Civil Surgeon. Hyderabad (Sind).	Hyderabad and Tindo Jam.
The Medical Officer in charge of the dispensary.	Viramgam, Karad, Gokak, Gadag, Hubli, Tando Adam and Mirpur Khas.
The Medical Officer in charge of the municipal dispensary.	Barsi.
The Medical Officer in charge of the Arsenal and Ammunition Factory Establishments.	Kirkee.
The Assistant Civil surgeon, Poona.	Poona and Mundhwa.
The Assistant Surgeon	Shikarpur.

BURMA.

<i>Column 1.</i>	<i>Column 2.</i>
The Civil Surgeon, Rangoon (West).	So much of the Rangoon Municipality as lies on the left or north bank of the Rangoon river.
The Civil Surgeon, Rangoon (East).	So much of the Rangoon Municipality as lies on the right or south bank of the Rangoon river.
All other Civil Surgeons	Their respective districts.

IN OTHER PROVINCES.

The Civil Surgeons	Within their respective districts.
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APPENDIX III.

Note on determination of the age of a child.

In a country where birth certificates are little used, and where used are articles of commerce in the bazaar, the determination of the age of a child is a rather difficult matter. The state of the child's dentition is the most usual guide but is not very perfect, and any opinion formed from an inspection of the teeth will have to be modified by a general consideration as to the physical development of the child; if necessary indications of sexual maturity may be looked for and, in the case of girls any history of menstruation. According to the evidence given before the Commission of 1908, the teeth appear in the following order:--

	Years.
Central Incisors	7 to 8
Lateral Incisors	8 to 9
Canines	10 to 12
Anterior Bicuspids	9 to 10
Posterior Bicuspids	10 to 12
Anterior Molars	7
Second Molars	11 to 12
Posterior Molars	14 to 20

A variation of at least a year is common in all cases.

APPENDIX IV.

Note on Forchhammer's Process for determining the Oxygen absorbed by a sample of Water.

For this determination it is convenient to use stoppered bottles of 500 c.c. capacity as during the test the liquids have to be shaken. 250 c.c. of the sample to be tested are poured into one bottle and an equal quantity of pure distilled water (as a control) into the other : to each bottle 10 c.c. of dilute sulphuric acid and 10 c.c. of standard potassium permanganate are added and the bottles are put away in a dark place at the required temperature.

(*Note.*—Standard Potassium Permanganate has a strength of 0.395 grams to the litre. 10 c.c. = 0.001 gm. of available Oxygen). At the expiration of four hours the bottles are taken out and a few drops of potassium iodide added.

The iodine liberated is in proportion to the amount of permanganate left un-reduced and this is determined by titration with standard sodium thiosulphate, towards the end of the re-action using starch as an indicator. If X = the number of c.c. required for the control and Y = the number of c.c. of thiosulphate for the sample, then $\frac{(X - Y)}{X} \times 100$ = parts of Oxygen per 100,000.

5 grains per gallon is approximately equal to .7 per 100,000.

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